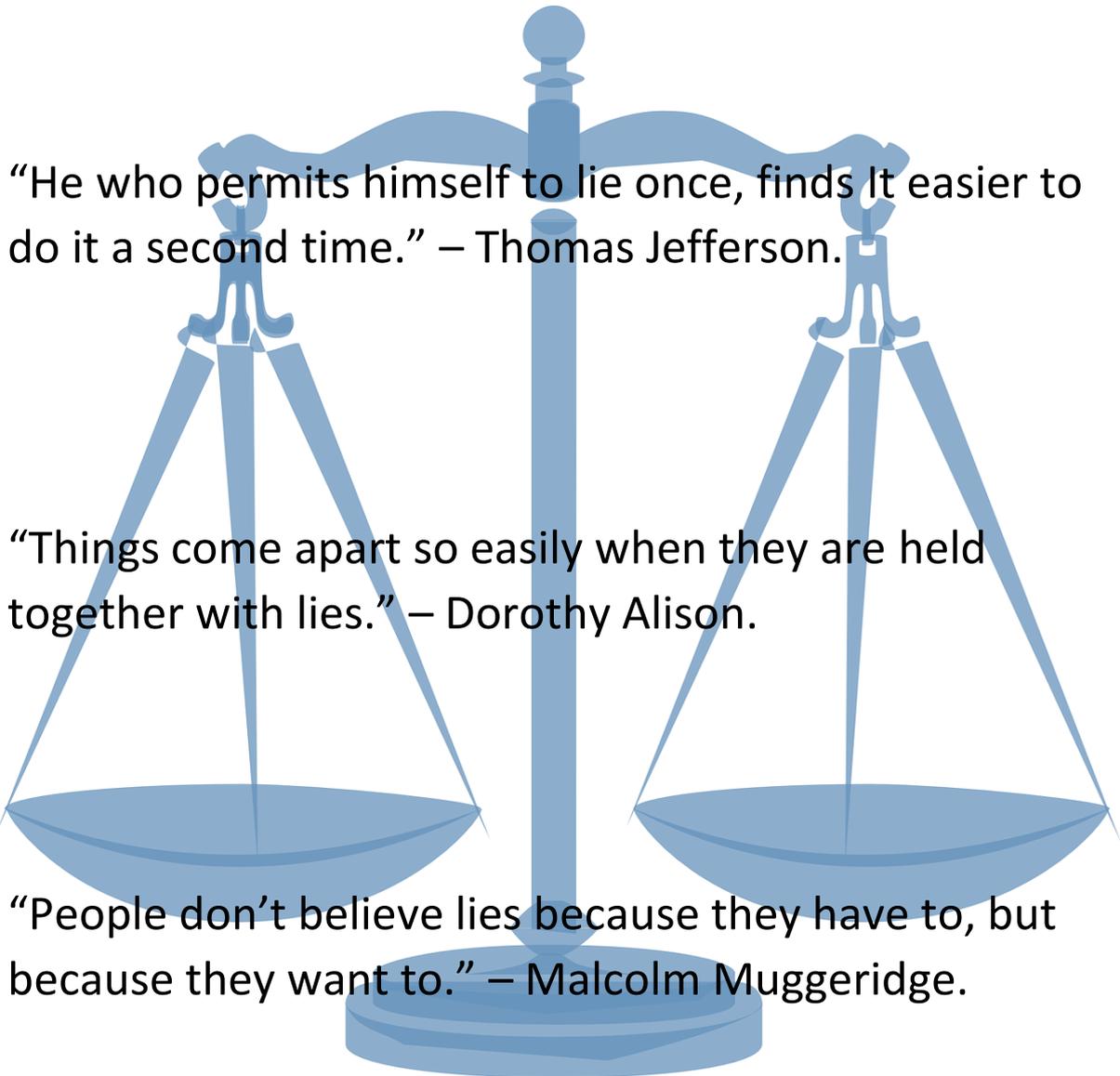


A True Report on the Facts of the Investigation of the Murders of Derek and Nancy Haysom



“He who permits himself to lie once, finds It easier to do it a second time.” – Thomas Jefferson.

“Things come apart so easily when they are held together with lies.” – Dorothy Alison.

“People don’t believe lies because they have to, but because they want to.” – Malcolm Muggeridge.

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Introduction

Dear sir,

You have been asked to consider a petition, submitted by Jens Soering, asking for a writ of actual innocence in relation to his conviction on two counts of 1st Degree Murder committed in 1985. The following facts are intended to appraise you of the true details of the investigation and subsequent conviction of Soering to assist you in reaching your decision.

In 1986 I was a serving police officer with the Metropolitan Police Service (MPS) carrying out detective duties in the Criminal Investigation Department (CID) at Richmond Police Station, London. Detective Sergeant Ken Beever and I investigated, interviewed, charged and prosecuted Elizabeth Roxanne Haysom and Jens Soering for several offences of obtaining a pecuniary advantage by deception. Because Haysom and Soering were not UK residents it was thought that they may abscond if released on bail, therefore, the court did not grant bail and they were remanded into the custody of HM Prison Service. Enquiries into the fraud offences resulted in the discovery of documents that raised suspicions that Haysom and Soering had been involved in a serious offence prior to leaving the USA, their official country of residence. Subsequently Haysom and Soering were interviewed by Investigator Ricky Gardner (Bedford County Sheriff's Office), Ken Beever and me, regarding the Bedford County murders of Derek Haysom and Nancy Haysom.

Your time won't be wasted with several pages about the accomplishments of Ken and I during our services, because this letter is not about us. In brief, Ken served for 31 years dealing with every aspect of police work from the most minor to the most serious. He served on many specialist squads and was a very experienced and well-respected officer. I served for 33 years and I too have dealt with all aspects of police work, including many specialist squads. I was also seconded to the UK National Criminal Intelligence Service (NCIS) 1991-1993 and 1998-2003, the United Nations Mission in Kosovo (UNMIK), 2007-2009, the US Federal Bureau of Investigation (FBI) Forensic Laboratory, Quantico, and the US Army National Ground Intelligence Center, Charlottesville, (NGIC), 2010-2015.

This is a joint report, written by me but done so on behalf of both Ken Beever and me. Any comments made herein will reflect our joint views, except when the subject matter discussed is known to only one of us.

Unfortunately, it will be necessary for this report to be of considerable length. No apology is given for that as it is inevitable due to the sheer volume of information made public by Soering on the internet and in the media that now needs to be addressed. Much of the information being circulated is not correct and some of it appears to be a deliberate attempt to put pressure on you to reach what some may view as a 'popular decision' rather than a factual one. To make a just and reasonable decision regarding clemency you will need to have accurate information.

Ken and I are very well qualified to comment on this case from our direct personal knowledge. We know exactly what happened during the time Haysom and Soering were in detention in England, and we can compare that with what is now being said publicly. The couple were initially arrested for fraud offences and subsequently as suspects for the murders committed in the USA. We can comment on the arrests and detention periods of Haysom and Soering, the documentary evidence recovered in the UK, their access to legal advice. We were also present for the Bedford Circuit Court pleading of Elizabeth Haysom in 1987, the Soering Suppression Hearing of March 1990 and the trial of Jens Soering later in 1990.

When Haysom and Soering were detained in the UK their treatment was fully recorded by independent custody officers on documents known as Custody Records. Those Custody Records were produced at the Soering trial and are still available today.

There are only six people in the world who have direct knowledge of the full facts of this case. They are Haysom and Soering themselves, Ken Beever and I, Ricky Gardner and James Updike (Bedford County Commonwealth Attorney at that time).

We are aware that Haysom has continued to say that she and Soering are both responsible for the death of her parents. We also know that from 1986 until his trial in 1990, Soering also maintained that he had committed the murders. From 1990 onwards, he has said that he did not commit the murders and that he gave false confessions to save Haysom from the electric chair.

Ken Beever and I have spoken in depth about the possibility that Soering is now telling the truth and what our course of action should be if evidence is now available that confirms his current claims. It's our decision that if it can be shown that he is telling the truth now, or that he was unfairly convicted, then

we would support his petition with utmost vigour. It would not be right, nor just, for an innocent man to remain incarcerated. As a result, we have looked at, and listened to the claims that Soering now makes, himself and through his many supporters. We've considered our recollections of events from 1986 through to 1990 and studied any remaining paperwork we have access to. We now feel that it is time to speak out and provide you with accurate and true facts to aid you with your decision.

It should be made clear that we seek no publicity, we will receive no benefits, consideration, remuneration, kudos, promotion, or future job prospects resulting from this report. Neither did we receive promotion or any career benefits because of this case during our careers. Ken and I did receive Deputy Assistant Commissioner's Commendations, but that meant very little and came long after the case was forgotten. The MPS is a huge organisation of approximately 30,000 sworn officers and about 20,000 support staff. Although the Haysom and Soering case was sensationalised by the press in 1986 it was quickly forgotten within the MPS and the UK in general. London has a population of between 8 and 10 million people and this case was soon overshadowed by other sensational cases. If it is shown that the confessions made by Jens Soering in 1986 were false, and that Ricky Gardner, Ken Beever, me and many others, were all deceived by Soering in those interviews; we both agree that there would be no shame in accepting that. After all, Soering now says that he lied very convincingly during his interviews. If he did lie, he lied well enough to fool his interviewers, his lawyers, psychiatrists, cellmates, the West German Prosecutor, Bow Street Magistrates Court, The European Commission and the European Court of Human Rights.

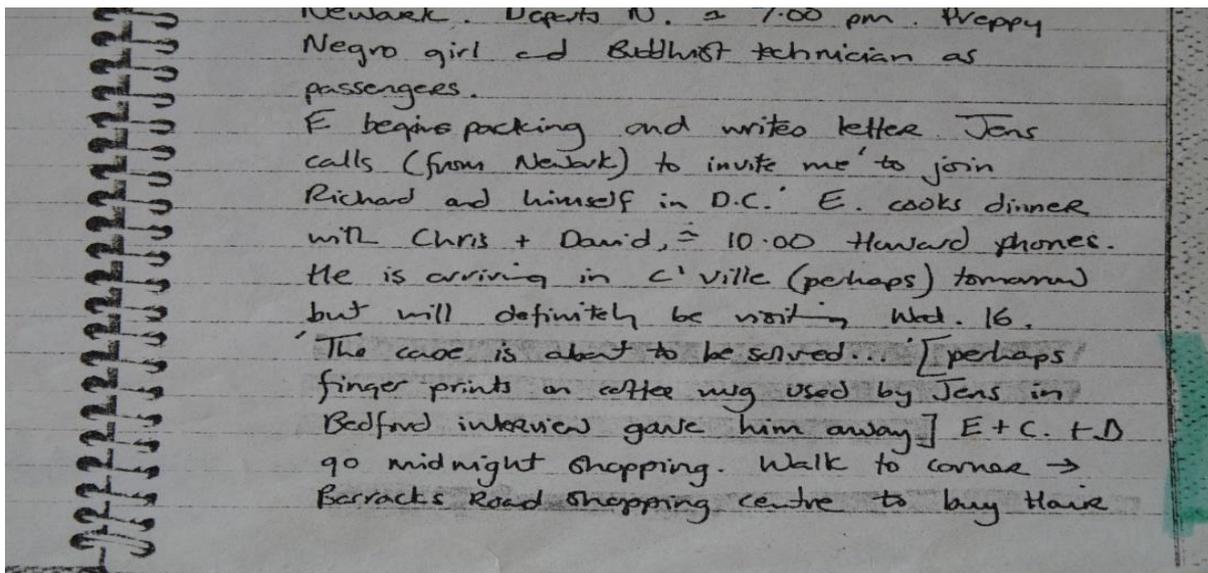
There is no doubt that both Haysom and Soering are very capable of telling substantial lies. It is hoped that the facts we provide will assist you to determine what is truth and what is not.

It should also be noted that when assessing the truthfulness of Haysom and Soering, Ken and I have an advantage over others connected to this case. We are not without experience of Haysom and Soering telling lies. We were present when they lied and when they were truthful. When questioned about the fraud investigation, they both lied quite convincingly, but not successfully. Only when faced with difficult questions coupled with overwhelming evidence did they fully admit the fraud offences.

To an extent, this provides a benchmark by which Ken and I are better able than most to make judgements on their truthfulness. Although Haysom and Soering eventually admitted the fraud offences in 1986, at that stage they didn't make any mention that Derek and Nancy Haysom had been murdered. When dealing with Haysom and Soering we made several judgements as to their truthfulness. Subsequent events show that our judgements were accurate on those occasions. For example, during initial questioning Ken Beever asked Haysom and Soering about their bank accounts and cheque purchases. They both responded very convincingly but Beever was not satisfied with their answers which were subsequently proven to be lies.

I noticed an entry in what appeared to be a handwritten diary that referred to wiping fingerprints from an apartment and from a car, and another entry that suggested that Soering was worried about having left his fingerprints on a coffee mug. When asked about these diary entries Soering told me that they were students at UVA and that they were writing a crime novel and the diary entries were ideas for the book. It was my judgement that this was a lie and so I continued with my enquiries. His explanation was later confirmed to be a lie.

Photograph of the suspicious diary entry:



Later, at a remand hearing at Richmond Magistrates Court I asked Haysom and Soering "Who are Officer's Reid and Gardner?" Haysom appeared to be shocked by this question. Soering quickly replied on her behalf that Reid and Gardner were private detectives hired by the Haysom family to track Haysom down when she ran away from school. My judgement was that Soering was

being untruthful and again I continued with my enquiries. Later, this comment was also confirmed to be a lie.

These examples are not given to establish that Haysom and Soering will lie when necessary, though they will lie readily, but they are intended to demonstrate that we have been subjected to their lies and were able to assess them correctly at that time.

This report is not about the release or continued incarceration of Haysom and Soering. Their incarceration is a matter for the Commonwealth of Virginia. If you do decide to exercise the powers vested in you to overturn the decision of the convicting court and subsequent appeal courts then so be it. Or, if you decide to release them on compassionate or any other grounds, Ken Beever and I would make no comments. The power to grant clemency in pursuit of justice is at your absolute discretion and demands integrity, thoughtfulness and a personal sense of honour.

Soering is not simply asking you to apply your gubernatorial privileges to show clemency in his case, he is proclaiming that he is innocent and that the court erred when convicting him. To support this claim of innocence, his petition basically amounts to a request to you to carry out a retrial, with you acting as judge, and without a jury being present.

The constitutions of the Commonwealth of Virginia and the United States of America recognise the importance of jury trials as being fundamental to preserving democracy. I hope that your determination of this petition will be made in the context of the history of this fundamental right balanced with the need to apply clemency where an injustice has been done.

You are being asked to reverse a trial court's judgement. A very serious decision to make, and one that should not be taken lightly. The weight of such a decision is best articulated by the Court in the case of the State of Idaho v Charles I. Fain. This case was brought to my attention by the Harding letter dated 2 May 2010.

Extract from State of Idaho v Charles L. Fain

"The Jury as Fundamental to Preserving Democracy

The determination of the issue presented on appeal should be made in the context of the history and purposes of the right to trial by jury. Our forefathers wisely provided in Article 1, Section 7 of the Idaho

Constitution: "The right to trial by jury shall remain inviolate ..." They so provided because they recognized that the jury system is the single most important guardian of the people's right to be protected from oppressive and overreaching government.

Few Americans realize that the right to jury trial in civil cases has almost been lost in England. English judges, with the acquiescence of a compliant bar, have totally eliminated the right to trial by jury in civil cases, except in cases of libel or slander. The English themselves seem to have forgotten the words of their eminent jurist, Blackstone, who wrote that trial by jury is:

... the glory of the English law ... [i]t is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected in his property, his liberty, or his person but by the unanimous consent of twelve of his neighbors and equals.

Blackstone Commentaries 79.

Some American judges and legislators have similarly lost touch with the following language in our Declaration of Independence:

[George III] has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation: ... For depriving us, in many cases, of the benefits of trial by jury ...

The French philosopher and essayist, de Tocqueville, who understood and appreciated democracy in America with keener insight than any other observer of the Nineteenth Century, stated that the jury system in America:

... places the real direction of society in the hands of the governed ... and not in ... the government ... He who punishes the criminal ... is the real master of society. All the sovereigns who have chosen to govern by their own authority and to direct society, instead of obeying its direction, have destroyed or enfeebled the institution of the jury.

Those who believe in strict construction of our Constitution recognize that the judiciary's oath to "support and defend the Constitution" requires that we resist the temptation to enhance judicial power through encroachment into the provinces constitutionally delegated to the jury."

Presumably, your final determination on this petition will be based upon the information put before you by the parties concerned. It is essential that you have the true facts without any falsifications, omissions or misrepresentations.

If Haysom is not telling the truth, then the information made available to you will aid you to reach that conclusion. If Soering is now telling the truth, then again, the facts should disclose that too.

In the history of the Commonwealth of Virginia there will have been miscarriages of justice. But that fact does not mean that the convictions of either Haysom or Soering are miscarriages. Should you decide that the conviction of Soering is erroneous then you will act accordingly.

Some commentators on this case have drawn other cases to your attention that resulted in pardons being granted. Those commentators cite the cases as if they somehow reinforce the Soering petition and endorse the opinions of those that cite them. They do not. Citing of those cases does not provide proof that the convictions of Haysom or Soering are erroneous. It is the specific facts of this case that will prove or disprove an error.

The writing of this report was prompted by the petition made by Soering. It should be noted that Ken Beever and I do not represent Elizabeth Roxanne Haysom in any way. No information could be found, originating from Haysom, that differs from her original account of the death of her parents. During her incarceration Haysom has remained relatively silent. Although it should be noted that since her conviction it has been reported that Haysom has changed her account regarding her relationship with her mother. Apparently, she has told reporters that she was sexually abused by Nancy Haysom, whereas during her trial she stopped short of that claim. In all other respects, the account given by Haysom in 1986 remains the same.

It has been argued that abuse by her mother would create a motive for Haysom to commit murder. This premise helps little because it could also create an equally strong motivation for Soering to commit murder. Furthermore, it is difficult to see how this would create a motive for Haysom to murder both parents.

The facts of the case need to be revisited and studied carefully looking for any confirmation or inconsistencies in what Haysom and Soering said in 1986, and in what Soering now says in his current version of events.

The Soering petition should be determined according to the facts and without regard to the likely consequences. If it is determined that Haysom has been lying throughout and that she was at the crime scene, it is suggested that it is unlikely that this would affect her sentence. Haysom was originally indicted for

two counts of 1st Degree Murder, which was later changed to an indictment as an accessory before the fact. The effect was that she was treated as a principle in the crime and sentenced as such. It was considered that she was engaged in the planning and execution of the murders by providing an alibi regardless of whether she was at the crime scene. A new indictment on charges of 1st Degree Murder after 32 years doesn't seem very likely. After all, in terms of 1st degree murder, being at the crime scene would not be likely to affect her sentence. And the sentences of 45 years on each count on the indictment, to run consecutively, is probably at the higher end of sentencing scales. It is suggested that if she were to be re-tried, she would not receive a sentence very different to her current sentence. There may be some way, under Virginia law, that her sentence could be increased, but is that realistic? A re-trial on an indictment for Capital Murder also seems unlikely, and perhaps impossible. You may decide to seek legal advice on these aspects of Virginia law. Overall, it appears that Haysom has little to gain by continuing to implicate Soering as the murderer.

On the other hand, if it is now shown that Soering lied initially but is now telling the truth, this would have a huge impact on his circumstances. If Soering did remain in Washington DC unaware of what Haysom was doing, then he would never have been convicted. For Soering, a great deal is riding on the outcome of this petition. If he is innocent there are no reasons for any lies. If he is guilty, he has much to gain by lying and changing his initial version of events.

Except for a Certificate of Analysis from the Commonwealth of Virginia Department of Forensic Science (DFS), dated 24 September 2009, all other claims in support of his innocence have already been considered by the convicting jury in the original court and in Virginia appeal courts. No new evidence appears to have been put forward except that which relates to the DFS report on DNA findings.

Around 1995 Soering wrote a book entitled "Mortal Thoughts". This book lays out Soering's claim of innocence, and he says it's a book of truth. Because Soering has published his claims in this book, the book should be part of the deliberations in his petition. Any inconsistencies, omissions, and facts contained in his book, that are known to be lies, should be compared with the original evidence.

I said at the beginning of this introduction that this report is not about whether or not Soering is released. What it is about, is making sure that you have the true facts presented to you, so that a just decision can be made.

Forensic evidence found at the Haysom crime scene

The information, statistics and conclusions contained in the following pages on serology and DNA evidence comes from three documents. Those documents are the 1985 DFS serology report, the 2009 DFS DNA report, and the Bedford County Sheriff's Office list of items submitted to the crime laboratory. The 1985 serology report and the list of Items sent to the lab were part of the Soering trial paperwork which can be obtained from court records. They were available to anyone wishing to complete a serious assessment of the serology and DNA evidence.

Serology and DNA

Has the DFS really eliminated Jens Soering as being the source of any blood at the Haysom crime scene?

Nowhere in the DFS DNA report does Edler say that they have.

The single most important point regarding the DNA Certificate of Analysis, dated September 24, 2009, is that **it DOES NOT say that Jens Soering is eliminated as the source of type O blood**. No matter how many experts review it, the Certificate does not say that at all. The report is there for all to see and nowhere does it state that Soering is eliminated as being the source of any "blood" in the Haysom crime scene.

The 2009 tests and the subsequent report relates to DNA, not blood types. The term 'DNA' and the term 'blood' are not synonymous. They are not interchangeable terms that can substituted, one for the other, at will. Any real expert would know this, and Schanfield says he is an expert.

The next important point to consider is, what was it that was tested in 1985, and what exactly was tested in 2009. It was not the original crime scene stains that were tested for DNA, it was the remainder of the swabs from 1985 that were used in the DNA tests. That fact makes a significant difference.

When the DNA testing was carried out the DFS had to make the best of samples that were 24 years old, that had not been collected and stored in a way to prevent contamination and were of low quality and low quantity. The DNA testing detected miniscule traces of human DNA on some of the Items. When testing Items 22DR, 2FE, 35K, 4DR, 6FE, 6LR, 7DR, and 8DR, traces of DNA were detected “consistent with having originated from a common male contributor”. In 1985, it was recorded that six of these Items had type A blood present on them. One had type O blood present, and another was recorded in the scientists’ original working notes as having type A blood, but type O was shown in her Table of Results.

Note: In 2009 the DFS referred to the DNA traces on these eight Items as “profiles”. The DFS are the experts and understand the test results far better than I. But I note that for each of the eight Items, if taken individually, the amount of loci that have data therein is below the amount required for a full profile. I can only assume that collectively, the DFS has sufficient information in the results to refer to the DNA data as “profiles”. As an Investigator, with so few loci containing data, I would only dare to call them partial profiles.

Soering claims that the DNA test results eliminate him as being the source of any type O blood found on Items 2FE and 6FE. The DFS test results do not say that. He bases his claim on the DFS comment that his own DNA profile is not consistent with the profile developed from Items 22DR, 2FE, 35K, 4DR, 6FE, 6LR, 7DR, and 8DR. It will later be shown that the DNA profile produced from these Items is almost certainly that of Derek Haysom. So, of course Soering’s DNA profile is not consistent with it. But you must be clear about one thing, the DFS do not say that Soering is eliminated as being the source of any blood. That would be an entirely different statement to the one they have made.

Soering also says that the DNA test results indicate the presence of someone at the crime scene, other than him, with type O blood. They do no such thing. He makes a further claim that the DNA test results indicate the presence of yet another unknown male with type AB blood. There is no evidence to support that claim either.

In 1985, Burton carried out serology tests on many Items from the crime scene. This was done before Soering was arrested and before he made any admissions of guilt. At the time she did her tests she had no idea who would eventually be charged with the crimes. Her findings were reported objectively

offering no opinions. The blood traces on many of the Items she tested were in such small amounts that they were all consumed by the tests. For many Items, after the initial blood typing had been done, there was nothing left for further subtype testing. In 1985, Burton was testing for blood types and subtypes, not DNA, and she would not know if any “background DNA” was collected along with the blood, or if any DNA was subsequently deposited on the Items after collection. In her report Burton refers only to blood types and subtypes, the term “DNA” does not appear anywhere at all in her findings.

In 1989, Gist certified that the blood in the stains on Items 1B, 2FE, 4FE, 5FE and 6FE had all been consumed and that he was unable to carry out DNA testing. Soering has accused Gist of lying about that, but what possible reason would Gist have to lie? In 1989, the quantity of sample needed for DNA testing was much larger than is needed today. Gist was not telling lies; he just didn't have enough biological material to work with. There is no reason why Gist would jeopardise his job, and possibly his freedom, to lie about the lack of samples to test. There is no evidence whatsoever that Gist has lied, and his Certificate of Analysis should not be questioned. Soering's allegation against Gist is spurious and malicious.

In 2009, Edler carried out the DNA tests looking for DNA traces, not for blood. In her Certificate of Analysis, she refers only to DNA and she did not use the word “blood” anywhere. She would not know from her tests whether the DNA she found came from blood or from any other cells present on the swabs. Edler also reported her findings without any opinions, as Burton had before her, even though she was aware of the 1985 Burton report. Despite this lack of opinions from Edler, Schanfield accuses her of “confirmation bias”. This is also a spurious and malicious allegation.

In her report, Edler states that she cannot eliminate either victim as being the contributors to the DNA traces she found. That comment is not by chance and was inserted for a reason. Very strong evidence is available showing that the most likely major contributors to the DNA are the two victims, Derek and Nancy Haysom. But Edler, quite rightly, could not be certain without a known sample from the victims, and so she did not make that assumption in her report. In summary, Edler, and the DNA evidence, **do not** eliminate Soering as being the source of **any** of the blood traces recovered from the crime scene.

After the claims made by Soering, there follows a long list of people who all readily switch the word “blood” for the term “DNA” and deliberately mislead

their readers in favour of Soering (Gail Ball, Gail Marshall, Mary Tate, Watson, Harding, Hudson, Schanfield.). Do not be fooled by this 'verbal sleight of hand' - it is not true. Soering has not been eliminated as a source of any blood. But neither should you accept my opinions on this without checking with real experts in the scientific fields of forensic serology and DNA.

THE WORD "BLOOD" AND THE TERM "DNA" ARE NOT SYNONOMOUS.

THE 2009 DFS REPORT HAS NOT ELIMINATED SOERING AS BEING THE SOURCE OF "TYPE O BLOOD", OR ANY OTHER "BLOOD" AT THE HAYSOM CRIME SCENE.

Note: In 1985 samples of blood were taken during the autopsies of both victims. Blood from Derek Haysom was labelled CME-3 and blood from Nancy Haysom was labelled CME-4. These samples were submitted to the laboratory as reference samples and ABO blood type and subtype data for CME-3 and CME-4 is available for comparison with data from the crime scene samples. By comparing the blood type and subtype data for the crime scene samples with the data from the reference samples, the serology tests give a very strong indication of the sources of blood in many of the crime scene samples. When the DNA testing was done in 2009 these two reference samples were no longer available. Crime Labs do not retain decaying biological material due to the potential health hazards associated with doing so. The result is that the DFS do not have a DNA profile that they can say with certainty is representative of the victims. Even though the DFS cannot say that the victims contributed to the profiles that were produced, this does not invalidate the original serology data.

Eight Items linked by DNA from a "common male contributor"

Dealing first with the eight Items linked by DNA profiles "from a common male contributor", it should be noted that even though the same DNA was found on all eight Items, the 1985 report determined that there are two different blood types on them. Even a 'non-expert' knows that generally, a person will only have one blood type in their body. It is possible for a person to have two blood types within their body, as in the case of a pregnant woman. In this case the

pregnant women scenario is not a valid explanation, and if the 1985 serology test results are accepted as being correct, then the types A and O blood must be from two separate people.

Fifty-six of the Items tested at the Lab in 1985 had traces of human blood on them. Considering the injuries received by both victims it is a certainty that blood and DNA from them will feature somewhere in the crime scene. It is inconceivable that none of their blood was found. Consequently, their DNA is likely to be present on crime scene samples, and it's also reasonable to expect that traces of DNA from the Haysoms would be around the home even before the murders, and capable of being collected unintentionally, particularly in locations such as on the front door and the kitchen countertop. There is an abundance of evidence available to support the conclusion that the contributor, or I should say, the major contributor, to the eight DNA profiles is Derek Haysom. Soering would have you believe that this is pure speculation, but it is not.

Serology

Looking very carefully at the forensic evidence available, there are ample reasons to conclude that Derek Haysom is the source of the type A blood on six of the eight Items, 22DR, 35K, 4DR, 6LR, 7DR and 8DR, and probably also on Item 2FE, which most likely was also blood type A. There are also ample reasons to conclude that he is the major contributor to the DNA profiles detected on all eight of the Items.

For now, I will assume that the blood traces on Item 2FE are type O, although there is good evidence that it is most likely type A. The evidence also shows that in 1985, the type O blood present on Items 2FE, 6FE, and on three other Items, was all consumed during the initial serology tests. There is good reason to believe that traces of DNA from Derek Haysom were also collected along with the O type blood on Item 6FE. The DNA recovered from Item 2FE could have been the residue from type A blood from Derek Haysom, or, it could have been from other human cells collected along with the blood of either type.

Serology and DNA together

The eight Items linked by DNA profiles will be discussed further looking for any factors that might suggest who was the source of the blood and who was the contributor to the DNA profiles.

The six Items associated with blood type A - 22DR, 35K, 4DR, 6LR, 7DR and 8DR

6LR – “Dried stain at male victim”

As can be seen from the description of Item 6LR when it was submitted to the laboratory, stains were sampled right at the dead body of Derek Haysom.

Serology tests determined that human blood was present on the swab used to sample the stain and that the ABO blood type was type A. There was sufficient quantity in the sample to allow further subtype testing to be done. Subtype data exists for eight of the possible nine subtypes.

A sample of blood, taken from the dead body of Derek Haysom during autopsy, was also submitted to the laboratory as Item CME-3. This known sample was determined to be blood type A. Subtype data exists for all nine of the possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-3 is representative of Derek Haysom.

The subtype data for Item 6LR is consistent with the subtype data for Item CME-3 in all but one subtype field; in that one field there is no data. Taken together, the subtype data compared with that of Item CME-3 and the location from which Item 6LR was recovered, results in an exceptionally high probability that the source of the blood traces in Item 6LR is Derek Haysom.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-3	A	2-1	2-1+	2-1	2-1	1	1	BA	2-1	1
6LR	A	2-1	2-1+	2-1	2-1	1	1	BA	-	1

In 2009, a DNA profile was recorded for Item 6LR. Again, given the location from where Item 6LR was recovered, and the comparison of serology data with data from Item CME-3, there is an exceptionally high probability that the major contributor to the DNA profile for Item 6LR is Derek Haysom.

There is nothing in Soering’s account of how he murdered Derek Haysom that is inconsistent with the forensic evidence, or any other information or evidence produced since 1990, that indicates that the blood or DNA in Item 6LR came from anyone other than Derek Haysom.

There is an exceptionally high probability that the major contributor to the DNA detected on Item 6LR is Derek Haysom.

35K – “Swabs”

It is noted that when Item 35K was submitted to the laboratory it was referred to in the plural. Not all Items were recorded in the plural. This suggests that either several stains were sampled on one swab, or that Item 35K consisted of several swabs, or perhaps it’s just the way it was written. It is also noted that in the results section of the 1985 report, the DFS also use the plural referring to the “results of stains on the swabs.” This suggests that Item 35K was collected from more than one location, albeit they were probably very close together. To use one swab to collect samples from more than one location, or having several swabs as one Item, would increase the likelihood of DNA contamination of the swab/s.

The DFS determined that the blood present on the swab used to sample Item 35K was human blood type A. Subtype data is available for six of the possible nine subtypes. For Item 35K, the subtype data that exists is consistent with the subtype data for Item CME-3, the autopsy blood sample from Derek Haysom. This results in a high probability that the source of the type A blood traces in Item 35K is Derek Haysom.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-3	A	2-1	2-1+	2-1	2-1	1	1	BA	2-1	1
35K	A	2-1	2-1+	2-1	-	1	1	BA	-	-

In 2009, a DNA profile was recorded for Item 35K. Given the comparison of serology data for Item 35K with the data for Item CME-3, and the DNA links to Item 6LR, there is a very high probability that Derek Haysom is the major contributor to the DNA profile for Item 35K.

The samples collected on “swabs” 35K were recovered from the kitchen. There is no evidence available that suggests that once the attack started, Derek

Haysom went to the kitchen. Most of the type A blood was found in the dining room and living room. Had he entered the kitchen with the injuries he had received, it would be reasonable to expect to find much more type A blood in the kitchen. It is probable that the type A blood from Derek Haysom was transferred to the kitchen either by Nancy Haysom or the assailant, or it dripped from a weapon or other item, or, perhaps less likely, it splashed into the kitchen from another room during the attack. This indirect transfer by another party increases the likelihood of contamination. The forensic evidence is totally consistent with the account of the attack on the Haysoms given by Soering.

There is a very high probability that the major contributor to the DNA detected on Items 6LR and 35K is Derek Haysom. Especially as Item 35K is linked by DNA to Item 6LR.

4DR – “Stain”

Serology tests determined that human blood was present on the swab used in the stain in Item 4DR, and that the ABO blood type was type A. There was sufficient quantity of the sample to allow further subtype testing to be done. Subtype data exists for six of the possible nine subtypes.

A sample of blood, taken from the dead body of Derek Haysom during autopsy, was also submitted to the laboratory as Item CME-3. This known sample was determined to be blood type A. Subtype data exists for all nine of the possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-3 is representative of Derek Haysom.

For Item 4DR, all subtypes fields that contain data are consistent with the subtype data for Item CME-3, the autopsy blood sample from Derek Haysom. This results in a high probability that the source of the blood traces in Item 4DR is Derek Haysom.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-3	A	2 – 1	2 – 1 +	2 – 1	2 – 1	1	1	BA	2 – 1	1
4DR	A	2 – 1	2 – 1 +	2 – 1	-	1	1	BA	-	-

In 2009, a DNA profile was recorded for Item 4DR. Given the location from where Item 4DR was recovered, and the comparison of serology data with

Item CME-3, and the DNA links to Items 6LR and 35K, there is a very high probability that Derek Haysom is the major contributor to the DNA profile for Item 4DR.

The forensic evidence is totally consistent with the account of the attack given by Soering.

There is a very high probability that the major contributor to the DNA detected on Items 6LR, 35K and 4DR is Derek Haysom. Especially as Item 4DR is linked by DNA to Item 6LR.

7DR – “Napkin”

Item 7DR is a napkin recovered from the dining room. The list of crime scene Items does not record whether the napkin is cloth or paper, nor give any further description of it. The DFS reports do not describe it any further.

The DFS determined that blood present on the swab used to sample Item 7DR was human blood type A. Subtype data is available for seven of the possible nine subtypes. For Item 7DR, all subtypes fields that data are consistent with the subtype data for Item CME-3, the autopsy blood sample from Derek Haysom. This results in a high probability that the source of the blood traces in Item 7DR is Derek Haysom.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-3	A	2-1	2-1+	2-1	2-1	1	1	BA	2-1	1
7DR	A	2-1	2-1+	2-1	-	1	1	BA	-	1

In 2009, a DNA profile was recorded for Item 7DR. Given the comparison of serology data for the Item CME-3 with the data for Item 7DR, and the DNA links to Items 6LR, 35K and 4DR, there is a very high probability that Derek Haysom is the major contributor to the DNA detected on Item 7DR.

From the conditions found at the crime scene, and the stomach contents of the victims at autopsy, it is generally accepted that the victims and possibly the assailant, ate some food prior to the attack on the Haysoms. It isn't a great stretch of imagination to assume that the napkin had something to do with this intake of food. Even if it did not, and the napkin was simply laying in the dining room from some previous use, type A blood was deposited on it. And it is safe

to assume that there could also be DNA traces on the napkin even before that. Traces of DNA from Derek Haysom could have been deposited on Item 7DR from his blood, from skin cells if he held the napkin, from saliva if he wiped his mouth with the napkin or if he breathed over it, or even from all three.

During interviews with police, and later with a German prosecutor, Soering described how he ate food with the Haysoms just before he attacked them. He described the table settings and seating arrangements. He told us that he was forensically aware, to a certain extent, and so he threw away items from the dining table in case he had left his fingerprints. He would not expect a napkin to retain any fingerprints, or he may not have handled that napkin, and so there would be no need for him to throw it away.

The forensic evidence is totally consistent with the account of the attack given by Soering.

There is a very high probability that the major contributor to the DNA detected on Items 6LR, 35K, 4DR, and 7DR is Derek Haysom. Especially as Item 7DR is linked by DNA to Item 6LR.

8DR – “Seat”

Item 8DR is a seat cushion from one of the dining room chairs. Seat cushions, Items 8DR and 9DR, were submitted to the laboratory because they both had “a bloody right-hand print” thereon.

The DFS determined that human blood was present on the swab used to sample Item 8DR, and it was blood type A. Subtype data is available for only two of the possible nine subtypes. The minimal subtype data available for Item 8DR is consistent with the subtype data for the autopsy blood sample from Derek Haysom, Item CME-3. With data for only two subtypes it cannot be said that it is a high probability that Derek Haysom is the source of the blood traces in Item 8DR. But there is other information available to support that he is.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-3	A	2 – 1	2 – 1 +	2 – 1	2 – 1	1	1	BA	2 – 1	1
8DR	A	-	-	2 - 1	-	-	-	BA	-	-

During the autopsy of Derek Haysom, severe injuries to his hands, wrists and arms were recorded. These types of wounds are typical of when a person is defending themselves against a knife attack. Wounds of this type are so common in knife attacks that they are often referred to as defense wounds or defense cuts. The term 'defense cuts' was used in the autopsy report when the serious wounds to Derek Haysom's hands and arms were noted. There is no doubt that the wounds received by Derek Haysom would have bled profusely.

Autopsy of Derek Haysom:

"There is a large defense cut which traverses the right palm. There is a defense cut on the dorsum of the right thumb. There is a defense cut on the lateral aspect of the dorsum of the right wrist. There is a defense cut on the inner aspect of the right arm. There is a defense cut in the web between the left thumb and forefinger."

During interviews Soering described how he caused the first injury to Derek Haysom, cutting his throat whilst Derek Haysom was seated at the dining room table. Then a struggle ensued. He said that blood just fell out onto the victim's lap. Crime scene photos show that there was a very large stain on the dining room floor. During this recorded conversation Soering said:

"Mr Haysom was still screaming. He tried to get up, after probably having slipped on the blood."

The full handprints in type A blood on the chair seats, including Item 8DR, are consistent with someone with severe injuries using the chairs to assist them in trying to stand up. Note that the handprint is of a right hand, and also note the defense cuts to the right hand of Derek Haysom.

With only minimal subtype data available it can only be said that the blood type and two subtypes for Item 8DR are consistent with those of Derek Haysom. But it is difficult to accept that the blood forming the handprints on Items 8DR, and 9DR could be from anyone other than Derek Haysom.

In the interview of June 8, 1986, Soering described the murders in detail and told the Investigators that there was a handprint in blood on the floor, so he "swished" that out. He said that maybe it was his own handprint or maybe it was from the Haysoms. Soering also said that the cut on the hand of Derek Haysom could have been done by him [Soering] or by Nancy Haysom during

the struggle. Soering also said that when he left the crime scene the first time, Derek Haysom was trying to get up.

In the interview with the German Prosecutor on December 30, 1986, Soering said:

"I had the impression that a small lump of flesh was cut out [he was referring to his own injuries]. That must have happened at the time that I tried to take the knife away. In the meantime there was quite a lot of blood in the floor. We thereafter, all three of us were continually slipping and getting up again. In any event I remember that. I think it is possible that the fight lasted less than one minute. In my memory it appears to be like a half an hour, because I myself was absolutely terrified and had no knowledge how I got into this situation, and what I was doing there. I had somehow insane fear. It was as said a very difficult affaire. I don't know how much I have described it."

Even with a lack of subtype data available, there is a high probability that Derek Haysom is the source of the type A blood found on Item 8DR.

In 2009, a DNA profile was recorded for Item 8DR. This DNA profile links 8DR to Items 6LR, 35K, 4DR, and 7DR. Although the serology data is minimal, the data available is still consistent with the data for Item CME-3, and it is linked by DNA to the other Items. The description of the attack given by Soering further supports the presumption that Derek Haysom is a major contributor to the DNA profile for Item 8DR.

There is a very high probability that a major contributor to the DNA detected on Items 6LR, 35K, 4DR, 7DR, and 8DR is Derek Haysom. Especially as Item 8DR is linked by DNA to Item 6LR.

22DR – "Stain"

Item 22DR is described only as a "stain" recovered from the dining room. It is not immediately obvious if the stain was swabbed, or if the whole stain was removed and submitted to the laboratory. Either way, the DFS determined that the stain contained human blood type A. There was insufficient quantity of blood on Item 22DR to enable further subtype testing to be done. The result is that there is no subtype data available to compare with the data for the autopsy blood Item CME-3.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-3	A	2-1	2-1+	2-1	2-1	1	1	BA	2-1	1
22DR	A	-	-	-	-	-	-	-	-	-

What can be said about Item 22DR is that it was recovered from the dining room where other type A blood was found, and that it was close to other signs of the attack such as the bloody handprints. Finding 22DR in the dining room is consistent with the attack described by Soering. The information available results in a probability that the source of the type A blood on Item 22DR is Derek Haysom, but the probability is not as high as in the previous Items discussed.

However, in 2009, a DNA profile was recorded for Item 22DR. Even with no subtype data, the DNA data linking Item 22DR to the previous Items, especially Item 6LR, support the presumption that Derek Haysom is a major contributor to the DNA profile for Item 22DR.

There is a very high probability that a major contributor to the DNA detected on Items 6LR, 35K, 4DR, 7DR, 8DR and 22DR is Derek Haysom. Especially as Item 22DR is linked by DNA to Item 6LR.

Note: Because Item CME-3 was not available for DNA testing in 2009, we cannot be 100% sure that the source of the type A blood found at the crime scene is Derek Haysom. That is, unless the scientists say that the subtype data is confirmation enough. But then, DNA results are not 100% confirmation either. DNA results are also a balance of probabilities, worked out using statistics. But we can be sure that Derek Haysom bled profusely due to his injuries. If all the available information is considered, then it is almost certain that Derek Haysom is the source of the type A blood on Items 6LR, 35K, 4DR, 7DR, 8DR and 22DR, and possibly also Item 2FE. He is also the most likely major contributor to the DNA profiles associated with those Items.

The two Items associated with blood type O

Note: When commenting on Items recorded as having traces of type O blood it is unavoidable that there is some repetition of the discussion on Items with type A blood traces.

Items 2FE and 6FE

Before continuing there are anomalies with both Items that should be noted:

Item 2FE anomaly

I have not had sight of the DFS scientist's working notes for either the 1985 serology tests or the 2009 tests. So, for once, I rely on what has been said by Harding and Schanfield. Their comments are usually so inaccurate that I would not normally rely on anything they say without first checking it for myself. Perhaps the following observation by Harding can be checked by the DFS scientists to ensure its accuracy.

Harding: *"Nothing refutes the findings of Mary Jane Burton, a renowned serologist in 1985. Although there is one ambiguity where her written notes disclose that Item 2FE is A type blood, her written report and chart show it to be type O, and she testified under oath it was type O."*

Schanfield also says that Burton recorded Item 2FE as being type A blood in her working notes.

So, Harding says that Burton, in her notes recorded Item 2FE as being blood type A, and in her Table of Results as type O. Harding and Schanfield then decide to claim that the blood type was O not type A, even though it isn't clear which. Presumably because it fits in better with their interpretation of the evidence.

The question is this - which is most likely? Burton recording Item 2FE as type A blood in her original working notes, notes presumably made during the testing, then, when later preparing her Table of Results and Certificate of Analysis she somehow realised her error and recorded the result as type O. Or, Burton made a simple transcription error when preparing her Table of Results and recorded Item 2FE as type O blood when it was really type A?

The latter is the most likely. Burton would make her original working notes as she observed the results of her tests. She would later use her original working notes to prepare her Table of Results and Certificate of Analysis, and apparently those notes said that the blood on 2FE was type A. How could Burton suddenly realise when preparing her Table of Results that the blood on Item 2FE was not type A? As far as I'm aware she didn't re-test it. In fact, she couldn't re-test it because the blood was all consumed. If she did notice an error, why did she not record her correction and amend her working notes. Five years later, Burton would use her Table of Results and her Certificate of Analysis containing the mistake and testify according to the information within it not realising her error. The fact is that the blood traces on Item 2FE probably were type A. The 2009 DNA test results add further credence to this assumption. A simple typing error by Burton is a far more likely explanation for Item 2FE being linked by DNA to the other Items with type A blood, than there being another unknown person present at the crime scene.

Item 6FE anomaly

When considering Item 6FE it should be noted that Item 13FE is also referred to in the 1985 report, and, it is mentioned in connection with Item 6FE. The report states the following:

“Item 13FE – The stain under the area that was swabbed and submitted as Item #6FE is not blood.”

So, Item 6FE was a swab of a stain on top of another stain of unknown origin. Item 6FE was determined to contain traces of human blood type O, but what the stain in Item 13FE consisted of has not been established. The report only says that it was not blood. We do not know if that stain contained traces of human DNA and contaminated Item 6FE or other Items.

The original Items 2FE and 6FE were swabs. These swabs were used to sample stains at the front entrance to Loose Chippings. Minute traces of human blood type O were found on 6FE, and either type A or type O was found on Item 2FE (my thoughts are that Burton's case notes are the most likely to be correct and it is type A). Three other Items were also determined to have traces of type O blood thereon. The amount of blood present on all five Items was so small there was insufficient quantity to enable further subtyping tests to be done. Basically, after the initial ABO blood type testing, there was nothing perceivable left of the stains on the swabs. This is indicated by the lack of

subtyping data available for all the Items with traces of type O blood. It is also supported by the 1989 Certificate of Analysis from Gist.

ABO sub type data for Items 2FE, 6FE, 1B, 4FE, and 5FE:

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
2FE	O	-	-	-	-	-	-	-	-	-
6FE	O	-	-	-	-	-	-	-	-	-
1B	O	-	-	-	-	-	-	-	-	-
4FE	O	-	-	-	-	-	-	-	-	-
5FE	O	-	-	-	-	-	-	-	-	-

For many years, the swabs themselves (that originally had traces of blood on them), remained on file at the DFS. The swabs were not collected in a manner that would prevent cross contamination of DNA traces, neither were they examined or stored under conditions required for modern DNA testing. In fact, as far as I can tell, it seems that the swabs were simply attached to the DFS file. Due to possible health risks, this would not have been the usual method of storing blood traces, even in 1985. Perhaps the Items were kept in that way (assuming they were) because it was considered that there was no blood remaining on the swabs.

In 2009 these left-over swabs were tested for traces of DNA. The tests detected minute traces of human DNA on some Items. DNA data from these traces is available. For Item 2FE, numerical values were present in eight of the DNA loci (plus AMEL data). For Item 6FE, numerical values were present in only four of the DNA loci (plus AMEL data). The DFS considered that the data is sufficient to link 2FE and 6FE to traces of DNA detected on six other Items labelled 22DR, 35K, 4DR, 6LR, 7DR and 8DR. The result is that these eight Items are linked by DNA from a “common male contributor”. This does not mean that they were originally linked by serology.

There is ample evidence to support the presumption that Derek Haysom is the source of the type A blood on the six swabs, Items 22DR, 35K, 4DR, 6LR, 7DR and 8DR (and perhaps also 2FE). If the traces of type A blood on those Items contained any white blood cells, then DNA from Derek Haysom could be recovered from that blood. For these six Items, it is only accurate to make two statements, one is that in 1985 traces of A type blood were found on those Items, and the other is that in 2009 traces of DNA were found on the Items. It is not accurate, or as Schanfield might say “scientific”, to say that the DNA found on the Items is from blood.

Equally, only two statements are accurate when talking about Items 2FE and 6FE. They are, that in 1985 blood type O was found on the Items (assuming the result for Item 2FE was type O, not type A), and that in 2009 DNA from a common male contributor was found on the Items. It is not accurate to say that the DNA found in 2009 originated from the type O (or type A) blood.

The 2009 DFS report clearly states that the DNA detected when testing Items 2FE and 6FE is linked to the other six Items. They say all eight are from a “common male contributor”. There is little doubt that the common male contributor is Derek Haysom.

These test results do not eliminate Soering as being the source of the type O blood. They only show that traces of DNA from “a common male contributor” was detected on all eight swabs.

The truth is that the DFS report states that Soering is eliminated as a contributor of the **DNA** traces found on Items 2FE and 6FE; he is not eliminated as being the source of any blood. But then he would be eliminated by the DNA data, because the most likely “common male contributor” is Derek Haysom. What cannot be argued is that the report **DOES NOT** eliminate Soering as the source of **type O blood** that was originally found at the crime scene.

Note: Another, but less likely, explanation as to why Items of different blood types have traces of DNA from a “common male contributor” is that the Items have been contaminated with DNA from someone else. And it is only right that all possibilities should be considered. The eight Items could have been accidentally contaminated by a male person who had access to all eight Items during or after their collection. I have assumed that when the DNA tests were done in 2009, they were carried out in an accredited laboratory with measures in place to help prevent cross contamination. I have also assumed that it is standard practice for DNA profiles of laboratory technicians to be held in an ‘exclusionary database’. If so, it is unlikely, but still possible, that the common male contributor is part of the laboratory staff. Particularly as the samples were 24 years old. They may have been contaminated by lab technicians who retired years before DNA testing was routine, and whose profiles would not be in any exclusionary databases. More recent contamination at the lab would most likely have resulted in a ‘hit’ against an

exclusionary database. Unfortunately, there are several other males that could have inadvertently contaminated the Items with their own DNA. This includes Investigators Brown, Rush and several others during the crime scene examination. It could include numerous others that looked at the Items at any time between their collection in 1985 and the DNA tests in 2009, a period of over 24 years. It could even include a male worker at the premises where the swabs were produced and packaged.

In conclusion, the DNA data for Items 2FE and 6FE does not eliminate Soering as being the source of type O blood found at the crime scene.

Items 23K#1 and 7FE#1 with traces of blood type AB

Soering claims that because the serology tests determined that type AB blood was present on Items 23K#1 and 7FE#1, and “Y” chromosomes were later found on the Items, there must have been another unidentified male at the crime scene with type AB blood.

Over and over again, Soering takes a DNA test result and then substitutes the word “blood” for the acronym “DNA”. Finding Y-chromosomes on Items 23K#1 and 7FE#1 does not indicate the presence of another man, only that male DNA was found on swabs that 24 years earlier also had traces of type AB blood thereon.

Before looking more closely at Items 23K#1 and 7FE#1, other Items determined to have type AB blood thereon will be considered. The purpose is to see if it is likely that the source of the AB blood is Nancy Haysom, and if any of the Items with type AB blood also has DNA data available.

Items determined to have traces of blood type AB present

One might think that if blood was present on an Item in 1985 then DNA would certainly be detected on that Item in 2009. Conversely, if an Item had no blood thereon, then there would not be any DNA present. In fact, this is not so.

Are there any Items that had blood of any type thereon that were later found to have no traces of DNA present?

Yes, there are. There are eight Items that were determined to have blood on them that later did not produce any DNA:

7FE#2 – type A with 5 subtypes

11K – type AB with 6 subtypes

13K – type AB with 7 subtypes

14K – type AB with 7 subtypes

2K – type AB with 5 subtypes

3K – type A with 6 subtypes

9LR – type A with 5 subtypes

CME-2 (left shoe sole) – type AB with 5 subtypes.

Not only did these samples have enough blood for typing, but there was also enough for subtyping to be done. One would expect then, that with that amount of blood present, traces of DNA would certainly be found on the Items when tested in 2009. But they were not. The results of the 2009 DNA tests on all these Items is “No DNA typing results were obtained.”

This shows that samples that previously had generous amounts of blood thereon did not produce any DNA data.

Are there any Items with insufficient blood traces for subtyping that later did produce DNA results?

Yes, there are also nine Items that were blood typed in 1985 with insufficient amounts of blood to allow any subtyping to be done, that later yielded traces of DNA:

22DR – type A with no subtypes

2FE – type O with no subtypes

6FE – type O with no subtypes

23K#1 – type AB with no subtypes

23K#2 – type A with no subtypes

7FE#1 – type AB with no subtypes

9DR – type A with no subtypes

11DR – type A with no subtypes

21DR – type A with no subtypes.

For these Items, one would expect that because there was insufficient blood present for subtyping, then no traces of DNA would be found. But traces of DNA were detected in varying degrees.

These seventeen Items prove two things. The first is that if blood is found on a swab of an Item, it does not guarantee that DNA traces will also be obtained from it. The second is that if the blood on an Item is consumed during serology testing there could still be DNA on the Item, either from the blood or some other source. It cannot be assumed that the DNA traces came from the blood that was originally on the Item.

Before looking closely at Items 23K#1 and 7FE#1 there is another question to be asked:

Using the serology data, are there any Items that had traces of type AB blood thereon that can be said to be representative of Nancy Haysom?

It turns out that there are: Item CME-4 (autopsy sample) is representative of Nancy Haysom with no doubt at all. Comparison of the subtyping data for Item CME-4 with Items 13K, 14K, 9K, 11K, 2K and 10K provides very strong evidence that blood traces on those Items are from Nancy Haysom.

This then leads to another question:

Are there any Items representative of Nancy Haysom that also have DNA data available?

Yes, there are. “DNA profiles consistent with having originated from a common female contributor were developed” from Items 9K and 10K.

Taken together, the serology data and the DNA data for Items 9K and 10K provides a very high probability that Nancy Haysom is a major contributor to the DNA profiles recorded for Items 9K and 10K. Therefore, the DNA data can be used, with caution, for comparison purposes with Items 23K#1 and 7FE#1. The cautionary note is because mixtures of blood types are noted in the serology data for Item 13K, and possibly for Item 14K, and therefore there could also be mixtures of DNA present in those and any of the other Items. A

mixture of DNA in very old, or low-quantity, or low-quality samples is often not detectable, even under pristine laboratory conditions.

Item CME-4

A sample of blood, taken from the dead body of Nancy Haysom during autopsy, was submitted to the laboratory as Item CME-4. This known sample was determined to be blood type AB. Subtype data exists for all nine of the possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-4 is representative of Nancy Haysom.

Because Item CME-4 was not available for DNA testing in 2009, we cannot be 100% sure that the source of the type AB blood found at the crime scene is Nancy Haysom. But then, DNA results are not 100% confirmation either. DNA results are also a balance of probabilities, worked out using statistics. But we can be sure that Nancy Haysom bled profusely due to her injuries. If all the serology data, and all other available information is considered, then it is almost certain that Nancy Haysom is the source of the type AB blood on Items 2K, 9K, 10K, 11K, 13K and 14K. She is also most likely a contributor, but not necessarily the only contributor, to the DNA profiles associated with Items 9K and 10K.

Item 13K

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-4	AB	2 - 1	2+ 1+	1	1	1	1	BA	2 - 1	1
13K	AB	2 - 1	2+ 2- 1+	2 - 1	-	1	1	BA	-	1

Stains were sampled from the kitchen floor very close to the dead body of Nancy Haysom. Serology tests determined that human blood was present on the swab of the stain and that the ABO blood type was type AB. The quantity of blood in the sample was enough to allow further subtype testing to be done. Subtype data exists for seven of the possible nine subtypes.

A sample of blood, taken from the dead body of Nancy Haysom during autopsy, was submitted to the laboratory as Item CME-4. This known sample was determined to be blood type AB. Subtype data exists for all nine of the

possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-4 is representative of Nancy Haysom.

Item 13K has been cited as being a mixture of bloods; apparently this is indicated by the data in the 'PGM Subtype' field.

Who are the most likely sources of blood in the mixture in Item 13K?

Given that for Item 13K the blood type result is type AB, and the subtype data for five subtypes is consistent with the type and subtype data for Item CME-4, and considering where this Item was collected from, there is little doubt that one of the sources of the blood in Item 13K is Nancy Haysom.

It is noted that for Item 13K the subtype data in 'PGM Subtype' appears to be a combination of the PGM subtype data from Items CME-3 and CME-4. The subtype data in 'ADA' is also consistent with the 'ADA' subtype data for Item CME-3. Perhaps then, two of the sources of blood in this mixture are Derek and Nancy Haysom? This is another point that perhaps the scientists should be asked about.

When Item 13K was tested for traces of DNA in 2009 nothing of value was found. The result recorded is, "No DNA typing results were obtained." Y-chromosomes were detected indicative of a male, but it cannot be said that the DNA traces are from blood.

There is a high probability that one of the sources of the mixed blood on Item 13K is Nancy Haysom. Derek Haysom may be another (this needs to be checked with the experts).

Item 14K

Stains were sampled from the kitchen floor very close to the dead body of Nancy Haysom. Serology tests determined that human blood was present on the swab of the stain and that the ABO blood type was type AB. The quantity

of blood in the sample was enough to allow further subtype testing to be done. Subtype data exists for seven of the possible nine subtypes.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-4	AB	2 - 1	2 + 1+	1	1	1	1	BA	2 - 1	1
14K	AB	2 - 1	2- 1+	2 - 1	-	1	1	BA	-	1

A sample of blood, taken from the dead body of Nancy Haysom during autopsy, was submitted to the laboratory as Item CME-4. This known sample was determined to be blood type AB. Subtype data exists for all nine of the possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-4 is representative of Nancy Haysom.

No one has said that Item 14K is a possible mixture of bloods. However, I noted that, as in Item 13K, the blood type is AB and the subtype data is consistent with the data in the autopsy blood from Nancy Haysom, **except** in columns 'PGM Subtype' and 'ADA'. It is also noted that the data in these two subtypes is consistent with the data for the same subtypes of Item CME-3, the autopsy blood from Derek Haysom. Perhaps this is also a mixture of blood from Derek and Nancy Haysom? (this also needs to be checked with the experts).

When Item 14K was tested for traces of DNA in 2009 nothing of value was found. The result recorded is, "No DNA typing results were obtained."

There is a high probability that the source of the AB blood on Item 14K is Nancy Haysom. Type A blood from Derek Haysom could also be present (this needs to be checked with the experts).

Item 9K

A crusted stain from the kitchen floor very close to the dead body of Nancy Haysom was sampled. Serology tests determined that human blood was present on the swab used to sample the stain and that the ABO blood type was type AB. There was sufficient quantity in the sample to allow further subtype testing to be done. Subtype data exists for six of the possible nine subtypes.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-4	AB	2 - 1	2 + 1+	1	1	1	1	BA	2 - 1	1
9K	AB	2 - 1	2+ 1+	1	-	-	1	BA	-	1

A sample of blood, taken from the dead body of Nancy Haysom during autopsy, was submitted to the laboratory as Item CME-4. This known sample was determined to be blood type AB. Subtype data exists for all nine of the possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-4 is representative of Nancy Haysom.

The blood type in Item 9K is AB and the subtype data is consistent with that for Item CME-4. Given the location from where this Item was recovered, and the comparison of the blood type and subtype data, there is a high probability that Nancy Haysom is the source of the type AB blood traces in Item 9K.

When Item 9K was tested for traces of DNA in 2009 it was linked to Item 10K. The result was recorded for both Items as "DNA profiles consistent with having originated from a common female contributor were developed."

Given the location from where Item 9K was recovered, the comparison of subtype data with Item CME-4, and the DNA link to Item 10K, there is a high probability that Nancy Haysom is a major contributor to the DNA profile recovered from Item 9K.

During interviews with police, and later with a German prosecutor, Soering said that he began his attack on Derek Haysom in the dining room. He said that Nancy Haysom tried to defend herself and her husband but was finally left lying dead in the kitchen. There is nothing in Soering's account of how he murdered Nancy Haysom, or in any other information, or in any evidence produced since 1990, that indicates that the blood or DNA in Item 9K came from anyone other than Nancy Haysom.

There is a high probability that a major contributor to the DNA profile for Items 9K is Nancy Haysom.

Item 11K

Stains were sampled from the kitchen floor very close to the dead body of Nancy Haysom. Serology tests determined that human blood was present on the swab used to sample the stain and that the ABO blood type was type AB. There was enough quantity in the sample to allow further subtype testing to be done. Subtype data exists for six of the possible nine subtypes.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-4	AB	2 - 1	2 + 1+	1	1	1	1	BA	2 - 1	1
11K	AB	2 -1	2+ 1+	1	-	1	1	BA	-	-

A sample of blood, taken from the dead body of Nancy Haysom during autopsy, was submitted to the laboratory as Item CME-4. This known sample was determined to be blood type AB. Subtype data exists for all nine of the possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-4 is representative of Nancy Haysom.

The blood type in Item 11K was determined to be type AB, and the subtype data is consistent with that for Item CME-4. Given the location that this Item was recovered from, and the blood type and subtype data, the blood traces in Item 11K appear to be from Nancy Haysom.

For Item 11K in 2009 “No DNA Typing results were obtained.”

There is a high probability that the source of the AB blood on Item 11K is Nancy Haysom.

Item 2K

Stains were sampled on a paper napkin from the kitchen very close to the dead body of Nancy Haysom. Serology tests determined that human blood was present on the swab used to sample the stain and that the ABO blood type was type AB. There was enough quantity in the sample to allow further subtype testing to be done. Subtype data exists for five of the possible nine subtypes.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-4	AB	2 - 1	2 + 1+	1	1	1	1	BA	2 - 1	1
2K	AB	2 -1	2+ 1+	1	-	-	1	BA	-	-

A sample of blood, taken from the dead body of Nancy Haysom during autopsy, was submitted to the laboratory as Item CME-4. This known sample was determined to be blood type AB. Subtype data exists for all nine of the possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-4 is representative of Nancy Haysom.

The blood type in Item 2K is AB and the subtype data is consistent with that for Item CME-4. Given the location that this Item was recovered from, and the blood type and subtype data, the blood traces in Item 2K appear to be from Nancy Haysom.

It is also worth noting that on June 5, 1986 Soering said:

Soering: "Ah... like I said, it was ... Mr. Haysom asked me inside and called to his wife and ... and she came down, wiping her hands of paint ... I believe, she seemed to be doing something with her hands ah ... for some reason I seemed to remember her wiping her hands ... paint, I..."

Gardner: "Was that with a tissue?"

Soering: "That was with tissue, like I said, I'm not definite ...I ... I just remember, for some reason I remember her coming down the stairs rubbing her hands ... I ... she was, she had been painting ah ... I don't know whether she'd been drinking upstairs ... I'm fairly certain Mr. Haysom was drinking and after she came down that's when he made the first remark about her painting, then she shot one back at him ... ah ...I think at the early stages, as I understand it, it was something that they did quite commonly in public anyway ah ... and at the early stage, I just didn't pay any attention to it because it was really more between them in general subjects such as painting."

Perhaps the tissue, found on the kitchen floor close to the dead body of Nancy Haysom, was what she had been wiping her hands with?

The 2009 DNA test result for Item 2K is "No DNA typing results were obtained."

There is a high probability that the source of the AB blood on Item 2K is Nancy Haysom.

Item 10K

Stains were sampled from the kitchen floor very close to the dead body of Nancy Haysom. Serology tests determined that human blood was present on the swab used to sample the stain and that the ABO blood type was type AB.

There was sufficient quantity in the sample to allow further subtype testing to be done. Subtype data exists for five of the possible nine subtypes.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-4	AB	2 - 1	2 + 1+	1	1	1	1	BA	2 - 1	1
10K	AB	2 -1	-	1	-	1	1	-	-	1

A sample of blood, taken from the dead body of Nancy Haysom during autopsy, was submitted to the laboratory as Item CME-4. This known sample was determined to be blood type AB. Subtype data exists for all nine of the possible nine subtypes. There is no doubt at all that the blood type and subtype data for Item CME-4 is representative of Nancy Haysom.

The blood type in Item 10K is recorded as being AB, and the subtype data is consistent with that for Item CME-4. Given the location that this Item was recovered from, and the blood type and subtype data, the blood traces in Item 10K appear to be from Nancy Haysom.

When Item 10K was tested for traces of DNA in 2009 it was linked to Item 9K. The result was recorded for both Items as “DNA profiles consistent with having originated from a common female contributor were developed.”

Given the location from where Item 10K was recovered, and the comparison of subtype data with Item CME-4, and the DNA link to Item 9K, there is a high probability that Nancy Haysom is a major contributor to the DNA profile for Item 10K.

During interviews with police, and later with a German prosecutor, Soering said that he began his attack on Derek Haysom in the dining room. He said that Nancy Haysom tried to defend herself and her husband but was finally left lying dead in the kitchen. There is nothing in Soering’s account of how he murdered Nancy Haysom, or any other information, or in any evidence produced since 1990, that indicates that the blood or DNA in Item 6LR came from anyone other than Nancy Haysom.

There is a high probability that a major contributor to the DNA profile for Items 10K is Nancy Haysom.

The above information provides very good evidence that the source of the AB blood on Items 2K, 9K, 10K, 11K, 13K and 14K is Nancy Haysom. It also supports

the presumption that Nancy Haysom is a major contributor to the DNA profiles developed from Items 9K and 10K.

Items 7FE#1 and 23K#1

Items 7FE#1 and 23K#1 had traces of type AB blood on them in 1985. The only person known for certain to be in the crime scene with type AB blood is Nancy Haysom. Soering claims that because “Y” chromosomes were detected on these Items in 2009, it proves that an unknown male with type AB blood bled in the crime scene.

Although there are no DNA profiles for Items 23K#1 and 7FE#1, there is some DNA data available. This data can be used, with caution, for comparison with DNA data in the profiles developed from Items 9K and 10K.

What is known about Item 23K#1?

A “section of Formica countertop with stains” was removed from the crime scene and submitted to the laboratory as Item 23K. Clearly, the word “stains” is plural indicating more than one.

The stains on the countertop were thought to be blood, and at the Laboratory two samples were taken from those stains. The lab referred to these samples as Items 23K#1 and 23K#2. I have no information available to me that told me the size of the stains, how far apart the stains were, how many areas of the stains were sampled on each swab, or how many swabs were used. I can only assume that the stains were reasonably close to each other because they all originate from Item 23K. Therefore, when considering what useful information is obtained from Items 23K#1, it should be remembered that the results for Items 23K#2 must also be considered.

Item 23K#1 was determined to have blood type AB thereon. The same blood type as the female victim Nancy Haysom. Item 23K#2 was determined to have traces of blood type A present thereon. The same blood type as the male victim Derek Haysom. So, we have samples of blood from a male and a female close to each other on the same Item 23K.

The blood on both Items was all consumed during the initial ABO blood typing tests. No subtype data is available for comparison with data for the autopsy blood from the victims.

ABO sub type data for Items 23K#1 and 7FE#1:

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
23K#1	AB	-	-	-	-	-	-	-	-	-
7FE#1	AB	-	-	-	-	-	-	-	-	-

It can be expected that both victims, going about their daily routines, would use the kitchen countertop. It is known that both victims had eaten some food during their final few hours of life. It's reasonable to assume that the food would be prepared in the kitchen and on the countertop. It is also reasonable to assume that DNA traces from the occupants of any house could be found on their kitchen countertop. Soering told police that he was slightly injured during the attack and bleeding. He said that he cleaned up after the murders in the kitchen and bathroom, meaning that Soering is also a potential source of male chromosomes found on Item 23K#1. He could have left blood cells or other cells on the Items.

Although no serology subtype data is available for Item 23K#1, it did have type AB blood thereon, and it was from the kitchen close to where the body of Nancy Haysom was found. Nancy Haysom is a probable source of the type AB blood found on Item 23K#1.

The DFS were unable to develop a DNA profile for Item 23K#1 but limited DNA data is available at five loci (plus AMEL).

Description	FGA	TPOX	D8S1179	vWA	Amel	Penta E	D18S51	D21S11
23K Counter top stain #1				17	Y X			
9K Crusted stain from floor			14	17	X X			32.2 28
10K Stain from floor		8	14 10	17	X X			
6LR Stain at W. R. Haysom				18 17	Y X			27

Description	TH01	D3S1358	Penta D	CFS1P0	D16S539	D7S820	D13S317	D5S818
23K Counter top stain #1		19 16				11	12	12
9K Crusted stain from floor	9.3 7	16 14					8	12
10K Stain from floor	9.3 7	16 14					11 8	12
6LR Stain at W. R. Haysom	9.3 8	19 16					13 12	12

Four of the loci with values for Item 23K#1 can be compared with the same loci for Items 9K, 10K, and 6LR. Item 23K#1 can be compared with Item 23K#2 at two loci. These loci are vWA, D3S1358, D13S317 and D5S818. Item 23K#1 can be compared with Item 23K#2 at loci vWA and D5S818.

For locus vWA, the values for Item 23K#1 are consistent with the values for Items 9K and 10K. The values for Item 23K#1 at locus D3S1358 are consistent with the same locus for Item 6LR and 23K#2. At locus D13S317 the values differ for all five of these Items, perhaps due to old and degraded samples and mixtures. It is noted that the values at this locus are very close to those for Item 6LR. At locus D5S818 the values are the same for all five of these Items.

What does this data indicate?

The experts should be asked if this data is indicative of a mixture of DNA (not blood) from two or more contributors. They should be asked if the data is indicative of a mixture of DNA (not blood) from the major contributors to Items 9K and 10K, with the major contributor to Items 6LR and 23K#2.

As mentioned previously, it is not by accident that the DFS report of 2009 contains the phrase *“Without a known DNA profile from W. R. Derek Haysom or Nancy Haysom, no conclusions can be reached as to whether these DNA profiles may be attributable to either of them.”* Without doubt, there is very strong evidence that these profiles are attributable to the Haysoms, but the evidence is not conclusive, and therefore the DFS, quite rightly, have not given any opinions. Even though the DNA results have not determined who are the major contributors to the DNA traces, the DNA data, the serology data, and all the evidence together would be put to a jury in any trial. The jury would be at liberty to determine from the evidence that the major contributors to the DNA profiles are Derek and Nancy Haysom. From the evidence available it would be very easy for a jury to reach the conclusion that the minute DNA traces on Item 23K#1 and 7FE#1 are a mixture of DNA from the victims and/or the assailant.

The DNA test results **do not** eliminate Nancy Haysom as being the source of the blood type AB on Items 23K#1 and 7FE#1. Neither do the DNA test results confirm the presence of a male with type AB blood, only that “Y” chromosomes were found. It is not possible to say that the “Y” chromosomes detected came from type AB blood that was once present on the swabs, or from other human cells that were also present.

Taken together, the serology data, the crime scene evidence, the locations from which the Items were recovered, and the confessions made by Soering, indicate that the source of the human blood type AB on Items 23K#1 and 7FE#1, was Nancy Haysom.

The “Limited DNA types indicative of a male contributor...” and “DNA types of no value and indicative of a male contributor...”, on Items 23K#1 and 7FE#1, DO NOT indicate that an unknown man left traces of blood type AB within the crime scene. No evidence could be found that suggests there was an unidentified male present who had type AB blood.

What is known about Item 7FE#1?

Item 7FE was the door threshold strip. Swabs were taken from two separate areas on the threshold and these swabs were then referred to as 7FE#1 and 7FE#2. Item 7FE#1 was determined to have minute traces of type AB blood thereon. Item 7FE#2 had minute traces of blood type A thereon.

The amount of blood present on these swabs was so small that after the initial blood type tests, there was insufficient quantity to enable further ABO subtyping tests to be done. Basically, there was nothing perceivable left of the stains on the swabs. This is indicated by the lack of ABO subtyping data available for these Items. The only person known for certain to be at the crime scene having type AB blood is Nancy Haysom.

Item 7FE was the door threshold strip. Stains on the door threshold were thought to be blood, and at the Laboratory two samples were taken from those stains. The lab referred to these samples as Items 7FE#1 and 7FE#2. I have no information available to me that told me the size of the stains, how far apart the stains were, how many areas of the stains were sampled on each swab, or how many swabs were used. I can only assume that the stains were reasonably close to each other because they originate from the same Item 7FE. Therefore, when considering what useful information is obtained from Items 7FE#1, it should be remembered that the results for Items 7FE#2 must also be considered.

Item 7FE#1 was determined to have blood type AB thereon. The same blood type as the female victim Nancy Haysom. Item 7FE#2 was determined to have

traces of blood type A present. The same blood type as the male victim Derek Haysom. So, we have samples of blood from a male and a female close to each other on the same Item 7FE.

The blood on Item 7 FE#1 was all consumed during the initial ABO blood typing tests. No subtype data is available for comparison with data for the autopsy blood from the victims. For Item 7FE#2 data is available for five subtypes. This data is consistent with the subtype data for Item CME-3, the autopsy blood from Derek Haysom.

The amount of DNA recovered from Item 7FE#1 was so small the test result states that “DNA types of no value and indicative of a male contributor were developed”. Consequently, no DNA profile is available for Item 7FE#1 and data is available at only three loci (plus AMEL data).

The three loci with values for Item 7FE#1 can be compared (with caution) with the same loci for several other Items. These loci are D8S1179, vWA, and D5S818.

At locus D8S1179, the values for Item 7FE#1 are consistent with the values for Items 2FE, 35K, and 4DR. Items 35K and 4DR, and probably also Item 2FE, have previously been shown to be blood type A and most likely from Derek Haysom.

At locus vWA, the values for Item 7FE#1 are consistent with the values for all eight Items the DFS stated are from a “common male contributor”, and also the same as Item 23K#2. These nine Items have previously been shown to be blood type A and most likely from Derek Haysom.

The values for Item 7FE#1 at locus D3S1358 differ from all other Items, perhaps due to old and degraded, or contaminated samples and mixtures.

Description	FGA	TPOX	D8S1179	vWA	Amel	Penta E	D18S51	D21S11
7FE Threshold stain #1			14 13	18 17	Y X			
23K Counter top stain #2				18 17	Y X			
2FE Stain front screen door			14 13	18 (17)	Y X			30 27
35K Swabs	21	8	14 13	18 17	Y X			30 27
4DR Stain	22	8	14 13	18 17	Y X			30 27
22DR Stain				(18) 17	Y X			30 27
6FE Stain				18 17	Y X			
6LR Stain at W. R. Haysom				18 17	Y X			27
7DR Napkin			14	18 17	Y X			
8DR Seat	21		13	18 17	Y X			27
9DR Seat			14		Y X			

Description	TH01	D3S1358	Penta D	CFS1P0	D16S539	D7S820	D13S317	D5S818
7FE Threshold stain #1								12 11
23K Counter top stain #2								12
2FE Stain front screen door	8	19 16				11	13 12	12
35K Swabs	9.3 8	19 16			11	11	13 12	12
4DR Stain	9.3 8	19 16				11	13 12	12
22DR Stain		19 16						12
6FE Stain	9.3 8	19 16						12
6LR Stain at W. R. Haysom	9.3 8	19 16					13 12	12
7DR Napkin		19 16						12
8DR Seat								12
9DR Seat								12

What does this data indicate?

The experts should be asked if this data is indicative of DNA (not blood) from “a male contributor” with “X” and “Y” chromosomes being present on swabs that originally had type AB blood on them. They should be asked if the results are a potential mixture of DNA (not blood) from two or more contributors.

Conclusion

In 1985 traces of human blood were found on Items 2FE and 6FE. The blood on Item 6FE was determined to be ABO blood type O. Test notes determined that blood on Item 2FE was type A, but it was recorded in the Table of Results as type O. After the blood typing tests were complete, there was no blood left on either Item to allow subtyping tests to be done.

From Mortal Thoughts written by Jens Soering:

“There was, however, at least one tenuous forensic link between myself and the scene of crime. A few spots of type O blood, my type, were found on the way from the living room to the bathroom at Loose Chippings, as well as on the inside of the front door. But once again, the sample was too small to be subtyped, so those drops could have been left by any of the 45% of the population which have this, the most common of all the blood types.”

The 2009 DNA tests show that traces of DNA were present on what was left of the original swabs for these two Items. The report does not determine that the DNA found on the swabs originated from blood. It does not state what type of human cell the DNA originated from.

Everyone knows that Derek and Nancy Haysom were at the crime scene. Soering says that Elizabeth Haysom was also there, and that another man with type O blood was there, and now he says yet another man with type AB blood was there too. The presence of yet another man at the crime scene is not the only explanation for finding Y-chromosomes on Item 23K#1 and 7FE#1, neither is it the most likely. It is far more likely that the type AB blood found on the Items was from Nancy Haysom and collected with it was some DNA containing Y-chromosomes from Derek Haysom.

Item 23K#1 was collected from near to 23K#2. 23K#2 contained traces of type A blood, the same blood type as Derek Haysom. 7FE#1 was collected from near to 7FE#2. 7FE#2 also contained traces of the same blood type as Derek Haysom. Soering told us that Derek Haysom opened the door to him. So, Derek Haysom is one potential source of the Y-chromosomes on these Items, but there are many others. DNA containing Y-chromosomes could have been on the door and countertop before blood was deposited, from Derek Haysom during the murders, it could have got onto the swabs during their manufacture or during collection of the Items, or during examination at the lab, or at any time that they were examined prior to the DNA tests in 2009, a period of 24 years. The source of the Y-chromosomes could be Derek Haysom, or any male who entered the crime scene, any male lab technician, reporters, attorneys, or anyone who looked at the Items over the 24 years period before they were tested for DNA. The crime scene investigators would only need to breathe over the Items, or handle the swabs during unpackaging, for a possible accidental transfer of DNA to occur.

The 2009 test results do not tell us that the DNA traces found were from blood. They don't even tell us that there was any blood left on the Items in 2009. They simply say that tiny amounts of DNA from a male were detected. Neither do the 2009 test results tell us whether there is only one contributor to the DNA traces.

No one, except Soering, has suggested that type A blood and type B blood mixed together would produce type AB blood. Apart from Items 13K and maybe 14K, mixtures of blood were not recorded in this case, but mixtures and

contamination of DNA are very real possibilities. Despite what Schanfield says, in samples of low quality and low quantity that are 24 years old, mixtures of DNA from two or more contributors are often not detectable.

As already stated, the traces of blood collected on the swabs in Items 23K#1 and 7FE#1 were consumed during the 1985 serology tests. For many years, the swabs themselves (that originally held traces of blood), remained on file. The swabs were not collected in a manner that would prevent cross contamination of DNA traces, neither were they stored under conditions required for modern DNA testing. It seems that the swabs were simply attached to the DFS file. This would not have been the usual method of storing blood traces. Perhaps that was because it was considered that there was no blood remaining on the swabs.

The serology and DNA evidence together indicate the following:

1. The most likely source of the type A blood in the Haysom crime scene is Derek Haysom.
2. The most likely major contributor of the DNA from a “common male contributor is Derek Haysom.
3. The most likely source of type AB blood in the Haysom crime scene is Nancy Haysom.
4. The most likely major contributor of the DNA from a “common female contributor” is Nancy Haysom.
5. Items 2FE was most likely type A blood from Derek Haysom.
6. Item 6FE originally had type O blood thereon and collected with it were traces of DNA from a “common male contributor”, most likely Derek Haysom.
7. Item 23K#1 originally had type AB blood thereon and collected with it were “Y” chromosomes traces, most likely from Derek Haysom.
8. Item 7FE#1 originally had type AB blood thereon and collected with it were “Y” chromosomes traces, most likely from Derek Haysom.

No evidence can be found that suggests that someone with ABO type A blood, other than Derek Haysom, was at the crime scene.

Ample evidence exists to indicate that Derek Haysom is the major contributor to the DNA profiles raised from the test results for Items 22DR, 2FE, 35K, 4DR, 6FE, 6LR, 7DR and 8DR.

No evidence can be found that the results of the DNA testing in 2009 eliminate Soering as the source of O blood on Items 2FE and 6FE.

No evidence can be found that suggests that someone with ABO type AB blood, other than Nancy Haysom, was at the crime scene.

Is contamination of blood traces with other sources of DNA a likely prospect?

Is it really a likely prospect that swabs of stains from the Haysom crime scene could contain traces of blood and also DNA from a male and a female? How could blood traces become contaminated with DNA from someone else? The very obvious way for this to happen is for one blood type to be contaminated with traces of another blood type. This is a distinct possibility in this case. Schanfield goes to great lengths to rule out this possibility but it is still a possibility.

Another way for this type of contamination to occur is for skin cells or other human body cells to be collected along with traces of blood. Again, Schanfield dismisses this prospect as speculation. Everyone is continuously shedding skin cells as we go about our daily activities and so this is also a distinct possibility.

But there is a far more likely source of contamination in the Haysom case. In fact, when you look at the evidence available it becomes extremely likely that contamination did occur in this case. It's very difficult to accept that it didn't.

The evidence is clear, there are two victims in this case, one male and one female. It is assumed that both victims were murdered during one horrendous event. We know that both victims were cut with some type of weapon. Few people realise the extent of the injuries the victims received because photographs have not been made public due to their very graphic nature. To circulate them would be hurtful to family and friends of the victims. Due to the nature of this report it's necessary to describe those injuries to an extent.

In addition to multiple stab and slash wounds, both victims suffered massive injuries to their throats. The weapon used to inflict those injuries had to cut through skin, muscle tissue, windpipe tissue, nerves, veins and arteries. How could it be possible that the weapon used, and the perpetrator, would not have human cells from both victims on them. Blood would not be the only

human cells present. Remember the paramount premise on which forensic science has developed, Locard's Principle, every contact leaves a trace. There must have been microscopic traces of both victims on the weapons.

Soering said that he fought with Derek Haysom in the dining room and living room. He said that he cut Nancy Haysom's throat during this same struggle and that Nancy Haysom went off to the kitchen. Soering also said that he then went to the kitchen and bathroom. The distribution of blood within the crime scene is consistent with what he said. Any blood dripping from him or from a weapon would be very likely to contain other human cells collected while the inflicting the injuries to both victims.

The Soering scenario

During his trial in 1990, through his defense counsel, Soering contended that Haysom left him in Washington DC while she went to her parents' house and murdered them. He said that he didn't know anything about the murders until later that night and that she had told him that she was going to collect a quantity of drugs to take back to UVA. But why then, would he need to provide an alibi for her if he thought she was doing a drug run. Why did he need to buy movie tickets and room service for two? In his book, 'Mortal Thoughts' he explains this. He doesn't say the false alibi was to fool the police, he says it was to convince Derek and Nancy Haysom that Elizabeth Haysom no longer used drugs. Despite there being no evidence to support it, the defense said that she must have had an accomplice to the murders, which Soering based on Haysom's physical capabilities. They said that this accomplice was the drug dealer that Soering said Haysom had gone to meet. Soering identified the alleged drug dealer as being Jim Farmer.

There never was any evidence to support this story, and it was mentioned for the first time in 1990. Soering now says the DFS DNA report supports his story. He has cleverly substituted the word "blood" for the acronym "DNA" and said that the report eliminates him. But to make the DNA report fit with his story he must also claim the existence of a second accomplice; one he says has type AB blood. Soering now wants you to believe that not one, but two drug dealing criminals were there. Two drug dealers who are of sufficiently bad character that they were prepared to commit a double homicide for Haysom. Soering has repeatedly said that Haysom's motive for murder was because she was abused

by her mother. But what of these fictitious drug dealing accomplices? What could their motive be? Soering says that Haysom was in debt to the drug dealers, she 'owed' them, not the other way around. So why would they help her murder her parents? He says that they were given Nancy Haysom's jewellery as payment. If the debt was paid, why would they help her commit murder? Soering has never suggested a motive for these so-called drug dealers. Are we then to believe that they do not need a motive? That they were simply so bad they willingly participated in a horrific double murder? The point here is that we are asked to believe that two drug dealers and murderers committed these crimes and yet they have never come to notice in over 30 years. They have never been arrested and their DNA is not in the national database.

The DFS DNA report does not confirm their existence. No drug dealer, or anyone else, has ever mentioned their involvement in the Haysom murders to anyone. One could expect that someone making money from dealing drugs would have been arrested at some time over the years. It makes no sense that they have never been arrested or charged with any offence.

Although Rosenfield publicly accuses Investigator Gardner of failing to search the DNA profiles against the CODIS database, it is not Gardner's job to do so, and the profiles will have been searched. Rosenfield either does not know what he is talking about, or he knows and is trying to discredit Gardner. Every time a new DNA profile is entered onto CODIS, it is first searched against the existing profiles of other known individuals already on CODIS and against unidentified profiles from crime scenes. Neither is this a "one-off" search because any profiles added to the database thereafter are also searched. It's an on-going process. In 2009, when the DFS recorded the DNA profiles in the Haysom case, those profiles would automatically be searched through CODIS during the process of adding them to the database. The Haysom case profiles did not produce a 'hit' on CODIS, identifying the fictitious drug dealers. But then they were never likely to, because the most likely source of the DNA traces is not two unidentified drug dealers, it is the victims themselves.

Comments on the science of DNA typing

Science relating to forensic DNA typing is not standing still. There are new studies and techniques emerging all the time. Many articles can be found, in

journals and on the internet, discussing the findings of new studies that clearly show that we do not yet fully understand all about DNA. What is clear is that the results of modern techniques using miniscule amounts of DNA need very careful interpretation.

Test results are not a 'sure fire' way to include or exclude the presence of a person at a crime scene. Results must be considered in the context of all other evidence available. For any forensic practitioner to say otherwise would be a very bold statement that goes against the opinions of many, many scientists and forensic practitioners.

Many leading scientists say that the interpretation of low-quality, low-quantity, old or degraded samples is particularly difficult. It's often difficult just to work out how many contributors to the sample there are. Even samples generated in pristine laboratory conditions give varied results.

“Interpretation of a sample that is of high quality and quantity and contains genetic material from only one person or perhaps from a known person and an unknown person, has a high degree of reliability. In such cases, an analyst typically can isolate the genetic profile of the person or persons present in the sample with confidence (PCAST 2016).

But samples that are of poor quality, low quantity, or contain a mixture of multiple contributors pose significant interpretive challenges (Murphy 2015, PCAST 2016). As Butler (2012) describes, samples taken from a crime scene may be of low quality, having been subjected to heat, light, and moisture as well as other elements (such as the dye in denim) that degrade the DNA or inhibit the testing process. Even crime-scene samples in good condition can nonetheless behave erratically when there is a low quantity of material available to test.” (From Annual Review on Criminology – Forensic DNA Typing Volume 1:497-515 (Volume publication date January 2018)).”

Does the presence of DNA at a location prove that the contributor of the DNA has been present at the location where the DNA was recovered?

No, it does not.

Does the presence of DNA on an Item prove that the contributor of the DNA has touched the Item?

No, it does not.

Does the absence of DNA at a location prove an individual was never there?

No, it does not.

Does the absence of DNA on an Item prove that an individual has never touched the Item?

No, it does not.

The presence of DNA on an article or at a location does not prove that the contributor touched the article or was ever present at a location. The absence of DNA on an article or at a location does not prove that the contributor did not touch the article or was never present at a location.

“Low-quantity or -quality samples further raise concerns related to inadvertent transfer or contamination of DNA. Again, in the early days of forensic testing, analysts required a large quantity of biological material to conduct a DNA analysis. In such cases, it was unlikely that the blood spot or semen stain ended up at the scene by chance. But as sample sizes have dwindled to a mere handful of cells, and testing of skin cells routinely shed throughout the day becomes more common, transfer and contamination have become increasingly vexing concerns. Murphy (2015) compiled a list of some of the most prominent studies of inadvertent transfer, which show that DNA is routinely found even when the depositor did not come into direct contact with that person or place. Traces of DNA can transfer through laundry, through proximity to sneezes or speech, or even, in one high-profile case, through medical equipment. DNA also shows remarkable persistence; it can endure for a long period of time, even on surfaces that have been cleaned. The ease with which small quantities of DNA can end up in unexpected locations underscores the need for rigorous cleaning and anticontamination practices. (From Annual Review on Criminology – Forensic DNA Typing Volume 1:497-515 (Volume publication date January 2018)).”

Even crime scene Items with blood thereon, may have ‘background DNA’ or DNA from another contributor, deposited on the article before the blood, at the same time as the blood, or after the blood was deposited.

Possibility of contamination

Blood traces on Items 23K#1 and 7FE#1 were determined to be blood type AB (the same blood type as Nancy Haysom). Was there opportunity in the Haysom murder case for inadvertent transfer or contamination by male DNA onto Items 23K#1 and 7FE#1?

Yes, there was plenty of opportunity.

Could Items 23K#1 and 7FE#1 have had traces of blood from Nancy Haysom together with miniscule traces of male DNA?

Yes, they could.

Note that there are no DNA **'profiles'** developed from Items 23K#1 and 7FE#1. "Limited DNA **'types'** indicative of a male contributor" were developed on Item 23K#1, and "DNA **'types of no value'** indicative of a male" were developed from Item 7FE#1. The specific terminology used by Edler in her report, and the DNA data available for Items 23K#1 and 7FE#1, indicate that the DNA recovered from 23K#1 and 7FE#1 was of insufficient quantity to provide enough information to produce a DNA profile.

We can safely assume that the victims went in and out of the house regularly before they died. It would be foolish to assume that no males ever visited the house prior to the murders. We can also assume that on the day of the murders the front door was opened either by the victims or the suspects. When Mrs Massie found the crime scene, the door was closed and locked. This indicates that after the murders, it would be the suspect/s closing and locking the door. We can also assume that the kitchen counter, from where Item 23K#1 was collected, was also a location that would regularly be touched by Derek and Nancy Haysom or any other visitor. Remnants of a meal were found in the crime scene, autopsy results recorded partially digested food in both bodies, and Soering said in interview that the Haysoms prepared a meal for him.

We know that Mrs. A. Massie touched the front door on her way in and out of the premises. We know that Deputy J. Stanley also touched the door on his way in and out. When Deputy Thomas arrived either he or Stanley touched the

door again to re-enter, or perhaps they both touched it. Two friends were with Mrs. Massie who may or may not have touched the door on the 1st or 2nd visit. Mr. Massie was also with them by now. We don't know if he touched the door or not. Records show that there then followed a long list of people in and out of the premises:

Inv. Rush, Mr B. Long (Undertaker, probably assisted by other undertakers), Inv. Gardner, Inv. Reid, Inv. Brown, E. Burnette, C. R. Mayhew, R. Loughlin, and B. F. McFadden are known to have entered. It is probable that Sheriff Wells and the Chief Medical Examiner Oxley would have attended too.

Any one of them, some of them, or all of them may have touched the door and handle. The first responders, Stanley and Thomas definitely entered, and exited, and the first few investigators, would be in and out of the premises in those first few hours whilst organising the crime scene investigation.

The crime scene investigation began on 4/3/1985. Items 1FE through 12FE were not collected until 4/4/1985. A whole day of people going in and out of the house. The 'Front Entrance' Items were not submitted to the DFS until 4/5/1985. We don't know if the collection swabs, packaging, gloves, vehicles etc. were free of contamination and we don't know the overnight storage conditions for the Items before they went to the lab. We do know that the collection methods and storage conditions in 1985 were not done with collection of DNA in mind. Today any materials used for the collection of DNA have to be manufactured under sterile conditions because articles such as swabs have been found to be contaminated with DNA during the manufacturing process.

It is difficult to imagine that the kitchen countertop, and the front door, were completely free of any DNA traces before the murders. Or that the victims, or any of the first responders, did not leave a trace of themselves at the crime scene.

It is also difficult to imagine that there was no cross contamination from sample to sample, at the crime scene, in storage or at the DFS. DNA typing was in its infancy in 1985 and it certainly was not possible to generate DNA profiles from miniscule amounts of DNA. CSI and Lab personnel were not working according to modern protocols to avoid contamination.

No evidence could be found to suggest that either Derek or Nancy Haysom exited through the front door after being cut and before they died. Only small quantities of blood were found at the front entrance. The type AB blood traces on Items 3FE and 7FE#1 were too small to allow subtyping tests to be done, but it is reasonable to assume that the source of this blood is Nancy Haysom. The small quantity of blood suggests that the AB blood was transferred from Nancy Haysom to the front entrance by the killer and not by the victims who had massive injuries.

Items 2FE, 4FE, 5FE and possibly 6FE were also low quantity suggesting that the source of that blood was not bleeding heavily in comparison to the victims. In interviews with police, Soering said that he did not notice his cuts until after he left the house the for the first time.

The 1986 account given by Soering, of what happened during and after the murders, is entirely consistent with the forensic evidence available. Soering said that after the murders he cleaned himself in the kitchen and in the bathroom, and he left the house then returned. All of this is consistent with the locations where type O blood was found.

While he was in the kitchen, and as he left Loose Chippings through the front door, either the first or second time, he transferred a small quantity of blood from Nancy Haysom to the countertop and front door. It would only take a skin cell from Soering to be deposited along with the AB blood to affect the later DNA findings. Or, a skin cell from Derek Haysom already on the door or countertop. Do not forget that no DNA profiles were developed from Items 23K#1 and 7FE#1. There was only "limited DNA" and "DNA of no value" detected.

The crime scene in general

The DFS tests done in 1985 were looking for traces of blood. When it was found it was reported. The blood tests do not indicate when the blood was deposited. Neither do the later DNA tests indicate when the DNA was deposited. In most circumstances it can be safely assumed that blood found at the scene of a violent crime was deposited during the crime. However, there may be evidence that indicates otherwise. In the Haysom murder case, blood found on Items from the crime scene is assumed to have been deposited at the

time of the murders. There is no evidence that contradicts this assumption, except perhaps for Item 38K. As we go about our daily lives, we are not leaving traces of blood behind unless we have an injury or illness.

This is not the case with DNA. We are leaving DNA all around us, and all the time, as we go about our daily routines. We are all constantly shedding skin cells and body fluids containing DNA traces. It is known that DNA can be transferred by touch and even by breathing over something. Many scientific studies have been published about this. Techniques for recovering DNA are now so sensitive that great care needs to be taken when interpreting the relevance of the presence of DNA on an Item. You could go to your front door right now, take a swab from the door handle and there is every chance that DNA traces would be found on the swabs. Traces of DNA from any person who has touched that door handle could be found. You might even find DNA from a person who made the door handle or who sold the door handle. There is no way to say when DNA was deposited. I have personal knowledge of a case in 2010 where the same DNA profile was found on several terrorist IED's thereby linking them together. Yet the locations, types of IED's and the circumstance were all different. The IED's had been examined for traces of DNA under very stringent Laboratory conditions. Even so, it was later determined that a member of staff in the Lab was the contributor of the DNA.

Anyone doing research on DNA typing will find that there are lots of studies by leaders in the field of human DNA, showing that mixtures of DNA from two or more contributors often do not show up in test results. Low quality samples, low quantity samples, unequal ratios of contributors in the mixture, and the age of the samples make it very difficult to accurately interpret results.

It is difficult to imagine that a swab can be taken from a tiny spot of blood without also swabbing areas immediately adjacent to the spot of blood, or underneath it. Areas such as a door handle are a perfect location to expect to find minute traces of DNA regardless of whether blood is present or not.

The Virginia Department of Forensic Science (DFS) has been very careful in the use of terminology in the 1985 serology report and the 2009 DNA report. The 1985 report gives results of ABO blood tests. The 2009 report gives results of DNA tests. The terms 'blood' and 'DNA' are not synonymous, and they are not interchangeable.

In 1985 Mary Jane Burton reported the presence of human blood types A, AB, O and B on certain items from the crime scene and from the autopsy. Some samples were large enough to allow blood type and subtype testing, others were too small allowing blood type testing only.

Some items of interest were swabbed at the crime scene, some were sampled at the crime scene, and some complete items were removed from the crime scene and submitted to the DFS and sampled there. Some Items submitted to the DFS were then split down into additional Items. Items were collected from the crime scene over six days from 4/3/1985 to 4/9/1985. None of the Items were submitted to the DFS on the day they were collected. The minimum storage time between collection and submission of crime scene Items was overnight. Some Items were collected and submitted up to five days later. No doubt the Items were securely stored during these times, but in 1985 cross contamination of DNA traces would not even have been considered.

After studying the DFS serology report and the DNA report certain observations have been made on what the information in the reports indicate. These 'non-expert' observations of mine can be presented to DNA specialists or scientists for their expert opinion to help determine their validity.

The crime scene in detail

Investigators and prosecutors should scrutinise the available forensic evidence very carefully. Particularly because it has been claimed that DNA testing by the DFS in 2009 eliminates Jens Soering as the "contributor of blood" on Items 2FE and 6FE. **It does not eliminate Soering.**

Regarding the Items of evidence collected from the crime scene: When they were collected, where from, who they were collected by and when they were received at the DFS laboratory are all relevant facts. As are: Who discovered the crime scene, who were the first responders, who entered the crime scene and who subsequently examined the Items.

Neither should one fail to take account of the statements made by the long list of people who entered the crime scene, the scientists, and the statements made by Haysom and Soering.

All the facts above are relevant when considering the forensic evidence.

It is not necessary to be a DNA expert to see what the 2009 report does say and compare the report with what Soering claims that it says.

In essence, Soering claims that the 2009 DFS Certificate of Analysis states that he is not the source of ABO type O blood found at the crime scene. The evidence available has been carefully examined to see if that is what the 2009 report does state, and if there is any evidence to support Soering's claims.

THE 2009 DFS CERTIFICATE DOES NOT STATE THAT SOERING IS ELIMINATED AS THE SOURCE OF THE BLOOD TYPE O RECOVERED FROM THE CRIME SCENE. NO OTHER EVIDENCE IS AVAILABLE THAT ELIMINATES SOERING AS THE SOURCE OF THE BLOOD TYPE O RECOVERED FROM THE CRIME SCENE.

What both Certificates of Analysis really state will be discussed in detail in the following pages. Without any doubt, what the 2009 report says is not what Soering, Harding, Schanfield and others have claimed it says. They have changed what the report says, then gone on to give an interpretation of the changed version.

Distribution of blood types within the crime scene

Type A blood – Kitchen, Dining Room, Living Room, Front Entrance

Samples containing traces of ABO type A blood were collected from the kitchen, dining room, living room, front entrance and at the autopsy of Derek Haysom.

The DFS serology tests determined that the following items had traces of ABO type A blood thereon:

3K, 15K, 16K#3, 16K#4, 16K#5, 16K#6, 23K#2, 25K, 35K, 4DR, 5DR, 6DR, 7DR, 8DR, 9DR, 10DR, 11DR, 21DR, 22DR, 7FE#2, CME-3, CME-2 left shoe sole, 6LR, 9LR, 10LR, 11LR, and 12LR.

Item CME-3 is an autopsy blood sample from the dead body of Derek Haysom.

Note: Items #49 and #53 were also determined to be ABO type A blood but they are blood samples taken for elimination purposes and were not collected at the crime scene. Therefore, they are not listed above.

ABO type AB blood – Kitchen, Dining Room, Front Entrance

Samples containing traces of ABO type AB blood were collected from the kitchen, dining room, front entrance and at the autopsy of Nancy Haysom.

The DFS determined that the following Items had traces of ABO type AB blood thereon:

2K, 9K, 10K, 11K, 13K, 14K, 16K#1, 16K#2, 19DR, 20DR, 3FE, 7FE#1, CME-2 right shoe sole, 22K, 23K#1 and CME-4.

Item CME-4 is an autopsy blood sample from the dead body of Nancy Haysom.

ABO type O blood – Bedroom and Front Entrance

Samples containing traces of ABO type O blood were collected from the bedroom and front entrance.

The DFS determined that the following Items had traces of ABO type O blood thereon:

1B, 2FE, 4FE, 5FE and 6FE.

ABO type B blood – Kitchen

A sample containing traces of ABO type B blood was collected from the kitchen from a washcloth inside a washer.

The DFS determined that the following Item had traces of ABO type B blood thereon:

38K.

Note: In the following paragraphs some ‘non-expert’ or unqualified opinions are stated that will be clearly marked as opinions. They are intended to suggest that the Governor and the Parole Board seek an opinion from someone who is qualified.

How could blood of various ABO types be transferred from one location to another within the crime scene?

1. Each of the victims and/or assailant could move around the crime scene whilst bleeding, transferring their own blood or blood from the other victim and/or assailant/s from one location to another within the crime scene. The assailant/s could also transfer blood to locations outside the house.
2. Blood from either victim and/or assailant/s could splash, splatter or drip from one location to another within the crime scene.
3. Blood from either victim and/or assailant/s could be transferred from one location to another within the crime scene on a weapon or other item moved by either victim or by the assailant/s.
4. Blood from either victim and/or assailant/s could be transferred from one location to another within the crime scene, or outside, by first responders and/or crime scene investigators (CSI’s).

Evidence of transfer of blood from one location to another within the crime scene can be seen on Item CME-2 left shoe sole and Item CME-2 right shoe sole. Item CME-2 is the clothing of Nancy Haysom. Item CME-2 was further split down at the DFS Laboratory as stains were observed on the soles of the shoes worn by Nancy Haysom. The stain on CME-2 left shoe sole was determined to be human blood of ABO type A. The stain on CME-2 right shoe sole was determined to be human blood ABO type AB.

Further evidence of the transfer of blood around the crime scene is provided by Items 8DR, and 9DR. These Items were recorded as “Each of these Items is a chair seat containing a bloody right-hand print”. Items 10DR and 11 DR are also chair seats with blood staining thereon. Test results for Items 8DR and 9DR determined that the traces of blood were type A. The same type as Derek Haysom who suffered severe defence cuts to his hands. It is also a reasonable assumption that anyone receiving severe wounds to their neck and body would place their hands over those wounds and would get traces of their own blood on their hands from the very onset of the attack. Derek Haysom

transferred his own blood from his wounds to Items 8DR, 9DR, 10DR and 11DR. Blood of the same types as the victims found in the front entrance was in very small quantities suggesting that it was transferred there, rather than the victims bleeding in the front entrance.

Crime scene samples were subjected to serology tests that included ABO subtyping tests. This resulted in subtyping data being available for comparison purposes on many of the samples. Some samples had sufficient quantity of material available to determine that blood was or was not human and allow ABO blood typing to be done but the samples were depleted during these tests, leaving insufficient sample to allow ABO subtyping to be done.

References to small sample sizes can be found in the 1985 Certificate of Analysis. The results for Items 18DR, 36K, and 14B all state that blood was detected but the amount was insufficient for further testing.

DFS Certificate of Analysis dated August 12, 1985

The Virginia Department of Forensic Science (DFS) determined that some samples collected from the crime scene had traces of human blood thereon. The 1985 DFS Certificate of Analysis dated August 12, 1985 lists the 'Items' received at the DFS and the results of serology tests carried out on the Items.

Both victims received massive injuries, and both bled heavily within the crime scene.

Notwithstanding some errors in her notes, pointed out in the Schanfield and Harding opinions, the serology results of Mary Jane Burton are accepted as 'unassailable'.

August 12, 1985 ABO blood type and subtype data

Full data for ABO blood type

Table of ABO blood type and subtype data for Item CME-3 (autopsy sample – Derek Haysom) and other Items of ABO blood type A (Arranged with Item CME-3 first followed by Items with the most subtype data in descending order).

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
CME-3	A	2-1	2-1+	2-1	2-1	1	1	BA	2-1	1
6LR	A	2-1	2-1+	2-1	2-1	1	1	BA	-	1
15K	A	2-1	2-1+	2-1	2-1	1	1	BA	-	1
7DR	A	2-1	2-1+	2-1	-	1	1	BA	-	1
3K	A	2-1	2-1+	2-1	-	1	1	BA	-	-
35K	A	2-1	2-1+	2-1	-	1	1	BA	-	-
4DR	A	2-1	2-1+	2-1	-	1	1	BA	-	-
16K#6	A	2-1	2-1+	2-1	-	-	1	BA	-	-
9LR	A	2-1	2-1+	2-1	-	-	1	BA	-	-
7FE#2	A	2-1	2-1+	2-1	-	1	-	BA	-	-
8DR	A	-	-	2-1	-	-	-	BA	-	-
16K#3	A	-	-	-	-	-	-	-	-	-
16K#4	A	-	-	-	-	-	-	-	-	-
16K#5	A	-	-	-	-	-	-	-	-	-
23K#2	A	-	-	-	-	-	-	-	-	-
25K	A	-	-	-	-	-	-	-	-	-
5DR	A	-	-	-	-	-	-	-	-	-
6DR	A	-	-	-	-	-	-	-	-	-
9DR	A	-	-	-	-	-	-	-	-	-
10DR	A	-	-	-	-	-	-	-	-	-
11DR	A	-	-	-	-	-	-	-	-	-
21DR	A	-	-	-	-	-	-	-	-	-
22DR	A	-	-	-	-	-	-	-	-	-
10LR	A	-	-	-	-	-	-	-	-	-
11LR	A	-	-	-	-	-	-	-	-	-
12LR	A	-	-	-	-	-	-	-	-	-
CME-2 left	A	-	-	-	-	-	-	-	-	-

Notes:

1. Item CME-4 is known to be a sample of type AB blood from the dead body of Nancy Haysom. (Fact)
2. Blood type and subtype data is available for Item CME-4. (Fact)
3. Note the data available for Item 13K – The subtype data in columns ‘PGM subtype’ has one extra value therein when compared to data in that column for other Items with subtype data.

Note that for Item 13K the subtype data **is consistent** with the subtype data for CME-4 (Nancy Haysom) in five of nine columns. It is not consistent in columns ‘PGM subtype’ and ‘ADA’ and a further two columns contain no data.

For Item 13K the subtype data in column ‘ADA’ **is consistent** with the subtype data that same column in CME-3 (Derek Haysom).

4. Note the data for Item 14K – In columns ‘PGM subtype’ and ‘ADA’ the subtype data **is consistent** with subtype data in those same columns for Items CME-3 (Derek Haysom).
The 14K subtype data in columns ‘PGM Subtype’ and ‘ADA’ **is not consistent** with the subtype data in the same columns for CME-4 (Nancy Haysom).
5. The subtype data in Item 8K appears to be consistent with CME-4 (Nancy Haysom) but no ABO blood type is shown on the results table on the DFS Certificate of Analysis.
6. ABO blood type and subtype data for Items 2K, 9K, 10K and 11K is consistent with Item CME-4.

What information does the 1985 DFS Certificate of Analysis contain?

1. A list of the crime scene Items, date received and who submitted them to the DFS.
2. The test methods used.
3. The results of the tests.
4. That four different ABO blood types were found on Items from the crime scene.
5. That the four ABO blood types found were types A, AB, O and B.
6. The results of ABO blood tests are listed for each Item.
7. ABO subtyping data is shown for several Items with type A blood thereon.
8. ABO subtyping data is shown for several Items with type AB blood thereon.
9. That no ABO subtyping data is available for Items with type O blood thereon.
10. That no ABO subtyping data is available for Items with type B blood thereon.
11. That the autopsy blood sample of W. R. Derek Haysom is ABO blood type A.
12. That the autopsy blood sample of Nancy Haysom is ABO blood type AB.

It does not contain any information relating to DNA.

Observations on the serology data from the DFS serology Certificate of Analysis dated August 12, 1985

In 1985, four blood types were found on Items from the crime scene. They were types A, AB, O and B. Autopsy blood samples confirmed that Derek and Nancy Haysom were blood types A and AB respectively. A blood sample provided by Elizabeth Haysom confirmed that she is type B and a later blood sample from Jens Soering confirmed that he is blood type O. (Fact)

It is known that Derek and Nancy Haysom bled extensively at the crime scene. Therefore, it is not surprising that on some crime scene Items traces of blood types A and AB were found. The 1985 Certificate reports the ABO testing results, and the subtyping data when available, but it offers no opinions on the sources of each blood type. No opinion is necessary for Items CME-3 and CME-4 which are known to be from Derek and Nancy Haysom. (Fact)

Although the 1985 Certificate does not contain a conclusion from the data, Derek Haysom is confirmed as being ABO blood type A. Therefore, he cannot be the source of blood on any Items determined to be types AB, O or B blood, except, perhaps Item 2FE. (Fact)

Nancy Haysom is confirmed as being blood type AB. Therefore, she cannot be the source of blood on any Items determined to be types A, O or B blood. (Fact)

Neither Derek and Nancy Haysom could be the sources of blood type O found on Items 1B, 4FE, 5FE and 6FE, and Item 38K. Derek Haysom could be the source of the blood on Item 2FE if it is type A. (Fact)

As no subtype data was available from the crime scene Items containing traces of type O and type B blood, and the blood on the samples was all depleted, in 1985 the DFS was not able to make further comparisons between the type O and B blood and blood from Haysom and Soering. (Fact)

There are two anomalies in the subtype data shown for Items 13K and 14K in columns 'PGM subtype' and 'ADA'. (Fact)

The subtype data for Items 13K and 14K appears to be a combination of subtype data from the known autopsy samples from Derek and Nancy Haysom (CME-3 and CME-4). (Opinion)

The subtype data available for Items 6LR, 15K, 7DR, 3K, 35K, 4DR, 16K#6, 9LR and 7FE#2 is consistent with the subtype data available from the autopsy blood sample of Derek Haysom in Item CME-3. (Fact)

The subtyping data available for Items 6LR, 15K, 7DR, 3K, 35K, 4DR, 16K#6, 9LR and 7FE#2 appears to indicate that the source of blood found on those Items is Derek Haysom. (Opinion)

The subtype data available for Items 9K, 10K, 11K and 2K is consistent with the subtype data available from the autopsy blood sample of Nancy Haysom in Item CME-4. (Fact)

The subtyping data available for Items 9K, 10K, 11K and 2K appears to indicate that the source of blood found on those Items is Nancy Haysom. (Opinion)

No subtype data was recorded for Item 38K which had blood type B thereon. Therefore, one can only state that traces of human blood type B were found on Item 38K and that Elizabeth Haysom is also blood type B. (Fact)

From the blood type testing data, it is not possible to say that Elizabeth Haysom is the source of the blood found on Item 38K. (Opinion)

No subtype data was recorded for Items 1B, 2FE, 4FE, 5FE and 6FE. Therefore, one can only state that traces of human blood ABO type O were found on Items 1B, 4FE, 5FE and 6FE, type A or O was found on Item 2FE, and that Jens Soering is blood type O. (Fact)

From the blood type testing data, it is not possible to say that Soering is the source of the blood found on Items 1B, 2FE, 4FE, 5FE and 6FE.

It is strong circumstantial evidence that Soering has blood type O, and that he said he was injured and bled at the crime scene, and that locations where traces of type O blood were found are consistent with what he said between 1985 and 1990, and that he showed investigating officers small scars on his fingers, and an independent witness saw him wearing dressings on his hand and bruises on his face. (Opinion)

Items with ABO blood type A

26 Items from the crime scene are confirmed to be ABO blood type A. In addition, Item CME-3 (autopsy blood sample from Derek Haysom) is also confirmed as ABO blood type A. Subtyping data is available in varying amounts for 10 of the 26 Items. The ABO subtyping data can be compared with the full ABO subtyping data available for Item CME-3.

Items 6LR, 15K and 7DR are particularly important because ABO subtype data is available in almost all subtype columns.

Item 6LR is 'Dried stain at male victim'.

Item 15K is 'Crusted stain from floor'.

Item 7DR is 'Napkin'.

Note: In 2009 Items 6LR and 7DR are two of the Items from which "DNA profiles consistent with having originated from a male contributor were developed".

Conclusion

The blood on Item 6LR almost certainly came from Derek Haysom. It was collected from right next to his dead body and the ABO subtype data matches Item CME-3. The ABO subtype data for the blood found on Items 6LR, 15K and 7DR links them to Item CME-3. (Opinion)

Items with ABO blood type AB

14 Items from the crime scene are confirmed to be blood type AB. In addition, Item CME-4 (autopsy blood sample from Nancy Haysom) is also confirmed as blood type AB. Subtyping data is available in varying amounts for 6 of the 14 Items. Full ABO subtyping data is available for Item CME-4. (Fact)

Items 9K and 10K are particularly important because ABO subtype data is available in almost all subtype columns. (Fact)

Items 9K is 'Crusted stain from floor'. (Fact)

Item 10K is 'Stain recovered from floor'. (Fact)

Note: In 2009 Items 9K and 10K are the two Items from which "DNA profiles consistent with having originated from a female contributor were developed".

Conclusion:

The blood on Item 9K almost certainly came from Nancy Haysom. It was collected from very close to her dead body and the ABO subtype data matches Item CME-4. The ABO subtype data for the blood found on Items 9K and 10K links them to Item CME-3. (Opinion)

Items with ABO blood type O

Item 1B is 'Stains in floor'

Item 2FE is 'Stain' (The blood on this Item was most likely type A).

Item 4FE is 'Stain'.

Item 5FE is 'Stain'.

Item 6FE is 'Stain'.

No subtyping data is available for these items. (Fact)

The locations where Items with blood type O thereon were collected are consistent with where Soering said that he went within the crime scene. (Fact)

Soering is confirmed as having ABO blood type O. (Fact)

Item 6FE was a stain on top of another stain of unknown type or origin (Item 13FE). It was not blood, but what it was, and if it contained traces of DNA, is unknown.

Conclusion

Based on his statements to police, lawyers, German Government officials, doctors, UK Law Courts and European Courts, the scars on his fingers, and the independent witness that saw him with bruises and dressings on his fingers,

Soering is the most likely source of blood type O in the crime scene found on Items 1B, 4FE, 5FE and 6FE, and possible 2FE. (Opinion)

Item with ABO blood type B

Item 38K is 'Rags from washer * wash cloth & Terry cloth'.

No subtyping data is available for Item 38K. (Fact)

Note: The ABO blood type of Elizabeth Roxanne Haysom is reported as type B. I have no paperwork available to me to confirm this. Her blood type is not recorded in the 1985 Certificate Of Analysis and must have been the subject of other DFS report/s. However, a succession of people, including Soering, have said that Haysom is type B. It does not appear to be contested anywhere that I can see. Therefore, I will continue with that assumption.

Indisputable facts

ABO blood typing tests determine that the blood found on Item 38K is human blood type B (see Mary Jane Burton Certificate of Analysis dated August 12, 1985). Burton later testified she said that luminol could mask the A component of type AB blood making it appear to be type B. I will continue on the assumption that the traces of blood found of Item 38K was type B.

For Item 38K Burton stated "Human blood was identified on the edge of the wash cloth. Further tests on this blood indicate the type is B. No evidence was found on the terry cloth." (see Mary Jane Burton Certificate of Analysis dated August 12, 1985). (Fact)

For Item 38K no subtyping data is available (see Mary Jane Burton Certificate of Analysis dated August 12, 1985). (Fact)

DNA testing result for Item 38K state "No DNA typing results were obtained" (see Shelley S Edler Certificate of Analysis dated September 24, 2009). (Fact)

Item # 75 = Blood of Elizabeth R. Haysom. Seized on 9/26/85. Submitted 10/1/85. (Fact)

Neither 1985 serology tests nor 2009 DNA tests identify Elizabeth Roxanne Haysom as the source of the ABO blood type B recovered from Item 38K. (Fact)

The washcloths were found inside the washing machine. (Fact)

The door of the machine was in a closed position when police examined the scene (Fact) (See crime scene photograph B, Commonwealth Exhibit 10-B or 16-B).

There is testimony from Burton regarding the chemical luminol and how it can affect blood type testing. When discussing Item 38B Burton testified that luminol, applied to type AB blood, can remove weaker A elements (enzymes) giving the appearance that the blood traces are type B. Burton is recognised as an expert on serology and as such her testimony has some weight. My personal, unqualified opinion is that although Burton raised the possibility that the blood traces on the washcloth were type AB and not type B, there are more important factors that make it unlikely that the washcloths in Item 38B were connected to the murders. These factors will be discussed in following paragraphs.

Possible scenarios

1. The washcloths were inside the washer prior to the murders with a spot of blood already thereon and the washer door was closed.
2. The washcloths were inside the machine prior to the murders with no blood thereon, the washer door was open, and a spot of blood splashed or dripped onto one of them. The washer door was subsequently closed.
3. The washcloths were outside of the washer during the murders and then placed inside the washer afterwards and the washer door closed.
4. The washcloths were outside of the washer during the murders, they were used to clean the scene, they were then placed inside the washer and the washer door was closed.
5. The traces of blood on the washcloth were type AB blood diluted by luminol giving the false appearance that they were type B.

The reader may think of other possible scenarios but those shown above seem to be the most obvious. (Opinion)

Note: Crime scene photographs clearly show that the door to the washer in the kitchen is closed. In fact, not only is the washer door closed, but there is a dish cloth/towel hanging neatly in front of the closed washer door. (Fact)

Close-up of washer and tea towel taken from crime scene photograph):



Comments on possible scenarios

1. Scenario 1 seems very likely. The cloths were already inside the washer prior to the murders with a small amount of ABO blood type B thereon. The presence of the tea cloth/towel hanging neatly in front of the washer door adds weight to this assumption. (Opinion)
2. Scenario 2 seems very unlikely. For a very small amount of blood to splash or drip into the washer and land on the cloth during the murders would require the washer door to be in an open position, and it was not. Or, the perpetrator/s or victims would have had to close the door afterwards and neatly hang the tea cloth/towel in the position it was found in. In the latter circumstances it would be reasonable to expect that if someone with blood type B was bleeding in the crime scene then other spots of type B blood would be found on or in the washer, or elsewhere in the scene. (Opinion). No other spots of blood of any type are reported on the front or inside the washer, or on the tea cloth/towel. No other spots of type B blood were found anywhere else in the crime scene. (Fact)

3. Scenario 3 seems very unlikely. It is safe to assume that the victims were not able to place the washcloths in the washer during the struggle. The records for Items 8DR and 9DR state “Each of these Items is a chair containing a bloody right-hand print”. Test results for Items 8DR, 9DR, 10DR and 11DR determined that traces of blood thereon were ABO blood type A. The same as Derek Haysom. It is a reasonable assumption that anyone receiving severe wounds to their neck and body would place their hands over those wounds and would get traces of their own blood on their hands from the very onset of the attack. Derek Haysom also had severe defense cuts to his hands. It is very reasonable to assume that he transferred his own blood from his wounds to Items 8DR, 9DR, 10DR and 11DR. It is also a reasonable assumption that Nancy Haysom would also clutch at her wounds. And yet, no ABO blood types A or AB were found on the washcloths. It is possible that the washcloth was outside of the washer and during the struggle or afterwards type B blood was deposited on it, then the perpetrator/s placed the washcloth inside the washer and closed the door and neatly hung the tea cloth/towel in front of the door. This scenario is highly unlikely.
(Opinion)
4. Scenario 4 seems very unlikely. Given the amount of blood present in the kitchen and the crime scene in general it is reasonable to assume that the cloths would have had a larger quantity of blood thereon if they had been used to clean the crime scene. It is also unlikely that the washcloths would be used for cleaning purposes then placed inside the washer and the tea cloth/towel placed neatly in front of the washer.
(Opinion)
5. Scenario 5 is not likely. According to Burton in her testimony, luminol can dilute blood traces to the extent that a false result can be obtained in blood typing tests. Based on what Burton said, we can't be sure that the traces of blood on Item 38K were type B. However, it seems unlikely that that the washcloths are connected to the murders. The stains on the washcloth were described as being on the edge of the cloth. I haven't seen a photo of the washcloth, but the description seems to suggest that a small quantity of blood was present. If the cloth was used for wiping blood in the scene, given the amount of blood in the scene, one would expect to find a large quantity of blood on the cloth. This is confirmed to a certain extent because there is no subtyping data available for Item 38K. More importantly, the washcloth was found

inside the washer and the door was closed with a tea towel or cloth hanging neatly in front of it.

Conclusion

The ABO blood type B is not of great relevance to the crime scene. From an investigator's point of view the significance of the trace of type B human blood recovered from Item 38K should be considered together with all other evidence available. No information from serology or DNA is available indicating who is the source of the blood on 38K, or when it was deposited. 1985 serology tests and the 2009 DNA tests do not determine that the type B blood was deposited by Elizabeth Haysom. They do not determine that the type B blood was deposited before, during or after the murders. Burton also testified that luminol can cause false test results so we can't be sure the blood traces were type B. Even so, assuming that they were type B, the presence of type B blood on Item 38K should not be ignored and would be declared to the court and the defence in any subsequent proceedings, as it was in the Soering investigation and trial. (Opinion)

Scrutiny of Item 38K does raise an interesting question though – Why does Soering deliberately say in his book that the door of the washing machine was open when it was not? (Opinion)

Observations on the data from the DFS DNA Certificate of Analysis dated September 24, 2009

Before commenting on the specifics contained within the opinions of Schanfield there are some more general observations to make.

I am not a DNA expert, scientist or mathematician. So, it might be said that I cannot comment on the DNA evidence. The reality is that we can all look at the evidence and make observations about it. On my part, my observations are made with many years of investigative experience. That does not mean that my observations are correct or incorrect. They are simply observations that hopefully will prompt questions to be asked of the real experts to better understand the data being observed.

Any opinions put forward in this report are at least as valid as any opinions put forward in the Harding letters, but unlike the opinions of Harding, they are without any false quotations and misleading statements. In this report it is recognised that there is a **substantial difference between 'blood' and 'DNA'**.

Does the 2009 Certificate Of Analysis eliminate Soering as a contributor of ABO type O blood found at the crime scene?

The 2009 Certificate of Analysis DOES NOT eliminate Soering as a contributor of ABO type O blood found at the crime scene, or any other blood for that matter.

Having scrutinised the 1985 Certificate, the 2009 Certificate, the opinions of Schanfield and McClintock and various letters from Harding and others, it appears that the 1985 serology report still stands as being correct. Furthermore, the 2009 DNA report **DOES NOT** eliminate Soering as being the source of type O **blood** found on Items 1B, 2FE, 4FE, 5FE and 6FE in 1985. Neither does it confirm that he was the source. This is not just my opinion, it is fact.

What information does the 2009 DFS Certificate of Analysis contain?

1. The crime scene Items tested, date received and who submitted them to the DFS are listed.
2. The test methods used.
3. That **DNA profiles** from a common male contributor were developed from Items 22DR, 2FE, 35K, 4DR, 6FE, 6LR, 7DR and 8DR
4. That Jens Soering and Elizabeth Haysom **are eliminated** as contributors of the DNA from Items 22DR, 2FE, 35K, 4DR, 6FE, 6LR, 7DR and 8DR.
5. That Derek and Nancy Haysom **are not eliminated** as contributors of the DNA from Items 22DR, 2FE, 35K, 4DR, 6FE, 6LR, 7DR and 8DR.
6. That **limited DNA types** from a male contributor were developed from Item 23K #1.
7. That Jens Soering and Elizabeth Haysom **are eliminated** as contributors of the DNA from Item 23K #1.

8. That Derek and Nancy Haysom **are not eliminated** as contributors of the DNA from Item 23K#1.
9. That **DNA types of no value** indicative of a male contributor were developed from Item 23K #2.
10. That the DNA types developed from Item 23K #2 was not suitable for comparison or searching purposes.
11. That **DNA types of no value** indicative of a male contributor were developed from Item 7FE #1.
12. That the DNA types of no value developed from Item 7FE #1 were not suitable for comparison or searching purposes.
13. That **No DNA typing results** were obtained from Item 7FE #2 and no gender was established.
14. The **DNA profiles** from a common female contributor were developed from Items 9K and 10K.
15. That Jens Soering and Elizabeth Haysom **are eliminated** as contributors of the DNA from Items 9K and 10K.
16. That Derek and Nancy Haysom **are not eliminated** as contributors of the DNA from Items 9K and 10K.
17. That **DNA types of no value** indicative of a male contributor were developed from Items 9DR, 11DR, 15K and 21DR.
18. That the **DNA types of no value** developed from Items 9DR, 11DR, 15K and 21DR were not suitable for comparison or searching purposes.
19. That **DNA types of no value** were developed from Item 10DR and no gender was established.
20. That the DNA types of no value were developed from Item 10DR were not suitable for comparison or searching purposes.
21. That **no DNA typing results** were obtained from Item 11DR, but the presence of a male contributor was established.
22. That **no DNA typing results** were obtained from Items 10LR, 11K, 12LR, 13K, 14B, 14K, 16K, 18DR, 19DR, 1B, 1FE, 20DR, 22K, 25K, 2K, 38K, 3FE, 3K, 4FE, 5DR, 6DR, 9DR and CME-2.
23. An Appendix table of DNA data results is attached to the report.
24. An Appendix of abbreviations used by the DFS in reports (a generic list not specific to this report) is also attached.

Note: It does not contain any information relating to blood types.

15K Crusted stain from dining room		19 16						12
21DR Stain from dining room		19 16						12
22DR Stain		19 16						12
23K Counter top stain #1		19 16				11	12	12
23K Counter top stain #2								12
2FE Stain front screen door	8	19 16				11	13 12	12
35K Swabs	9.3 8	19 16			11	11	13 12	12
4DR Stain	9.3 8	19 16				11	13 12	12
6FE Stain	9.3 8	19 16						12
6LR Stain at W. R. Haysom	9.3 8	19 16					13 12	12
7DR Napkin		19 16						12
7FE Threshold stain #1								12 11
8DR Seat								12
9DR Seat								12
9K Crusted stain from floor	9.3 7						8	12

Description	TH01	D3S1358	Penta D	CFS1P0	D16S539	D7S820	D13S317	D5S818
E. Haysom	8 9.3	14 19		11	10 11	10 11	11 12	12
Soering	9 3	16 19		12 14	11	8 12	9 13	12 13

Note: Items highlighted in yellow are those linked by DNA profiles consistent with having originated from a common male contributor. Items highlighted in green are those linked by DNA profiles consistent with having originated from a common female contributor.

It should be noted that the 1985 Burton and the 2009 Edler Certificates Of Analysis do not offer any opinions. They simply state that certain forensic tests were done and report the results. It is presumed that the DFS staff were fully trained in their field of expertise and that they performed their duties without bias. Presumably, the staff received a salary regardless of the results of their tests and it is difficult to see a logical reason for them to have applied any bias. That is particularly so in the case of Burton. It is vaguely conceivable that Edler could be accused of intentional or unintentional bias, if she did not want to contradict the 1985 findings of Burton. But Edler was not testing for blood types, she was testing for traces of DNA, so there would be no contradiction. In addition, she has not put forward any opinions in her findings. If there was any bias it would have to be in her interpretation of the data that then informed her results.

In his opinion dated May 1, 2017 Schanfield accuses the DFS, not Edler in person, but the DFS in general, of “confirmation bias”.

Schanfield states:

*“Finally, I reviewed the Memorandum For Record dated September 15, 2016 produced by the DFS staff in summarizing their discussion with you. (All of the DFS Memoranda and summaries are attached to this letter). Toward the end of page one, there is mention that some of the serology testing was faulty because some of the “stains [were] limited.” By this they mean to suggest that the stains tested by Mary Jane Burton may be erroneous because she did not have enough sample with which to work. **This one statement alone indicates a confirmation bias by the DFS laboratory for several reasons.** First, none of the people in the state lab are experts in serology and should not have addressed your concerns. Second, Mary Jane Burton would have reported inadequate sample sizes and either not tested what she had or rendered an “inclusive” or some comparable description rather than just guess at what she found. And third, Mary Jane Burton was a professional scientist and must be presumed to know how to conduct testing for antigens.”*

A search on the internet revealed several definitions of ‘confirmation bias’, all of which were very similar. I have reproduced one of them below chosen from an article relating to the interpretation of DNA results:

Definition of ‘confirmation bias taken from www.sciencedirect.com:

Peter Gill, in [Misleading DNA Evidence](#), 2014

1.3.9

Confirmation Bias

Confirmation bias begins with the scientist/investigator “searching for evidence” to discover a perpetrator of some offence. “Locard’s exchange principle”: “every contact leaves a trace” drives the “expectation” that the discovery of a DNA profile must be significant in relation to crime. This gives the investigator an illusion of objectivity where none may exist. If a DNA profile is discovered and a match with a man is obtained, he becomes a suspect, and then the machinery of justice places him center stage. The interpretation of the evidence is anchored on the suspect. The

DNA profile may match the suspect—but how confident can we be that the DNA profile that has been recovered is relevant to the crime event itself? What is the probability that the transfer method was “active direct”

Yet Edler appears to have done the exact opposite to confirmation bias. It can be seen on the first page of the 2009 Certificate that it is a ‘SUPPLEMENTAL REPORT’. She clearly had access to the original 1985 report and will have been aware that Burton reported Items 22DR, 35K, 4DR, 6LR, 7DR and 8DR as ABO blood type A; and Items 2FE and 6FE as ABO blood type O. Yet she still reported her finding that these eight Items were linked by DNA. That does not appear to be confirmation bias at all. She would also be aware that some Items tested by Burton were reported as being blood type AB. The only known person at the crime scene with ABO type AB blood is the female victim Nancy Haysom. Yet Edler reported that she found traces of DNA with ‘X and Y’ chromosomes (indicative of a male) on Item 7FE#1, previously reported as being ABO blood type AB.

Despite the sweeping statement from Schanfield that “none of the people in the state lab are experts in serology and should not have addressed your concerns”, one can expect that the scientists at the DFS have at least enough basic knowledge of serology to understand the findings of Burton in the context of the DNA findings. (Opinion)

Because Schanfield has accused the DFS of confirmation bias, any observations made in this report will take that into account. But equally, account will be taken of the fact that Schanfield was paid a fee of \$225 per hour (according to his opinions submitted to the Governor and posted on the Soering Homepage). Presumably, this fee was paid in the hope that he would say something favourable to Soering.

It is pointed out that no one has said that the findings of Burton are erroneous. Schanfield says that the Burton findings are “unassailable”. So, he accepts that Items 22DR, 35K, 4DR, 6LR, 7DR and 8DR as ABO blood type A; and Items 2FE and 6FE as ABO blood type O.

So, how can Edler report that there are traces of linked DNA on eight Items that undoubtedly had blood traces from two different people?

She can do so because she is reporting on DNA findings whereas Burton was reporting on blood types. Edler is simply saying that there was DNA present on those eight items from a common male contributor. She is not saying that the DNA came from the blood. Edler has made a perfectly valid statement even if the traces of blood tested in 1985 came from two different sources.

As can be expected, the Burton Certificate does not contain the acronym 'DNA' anywhere. And, in the Edler Certificate the word 'blood' does not appear anywhere in the body of the report. The only place that the word 'blood' appears is in the generic list of abbreviations in Appendix 2. This fact alone is absolute confirmation that Soering, Schanfield, and Harding are misquoting the 2009 DNA report.

You might notice that the letter from McClintock is more accurate. When he discusses the serology, he talks about blood. When he discusses the DNA results, he talks only about DNA. McClintock knows that blood and DNA are not the same thing.

Again, I repeat, the two terms 'blood' and 'DNA' are not synonymous. Even with my basic knowledge I am confident enough to say that DNA is present in many kinds of human body cells, not just white blood cells. Traces of blood present on stains or swabs may also have minute traces of DNA present from entirely separate sources. ABO blood type testing done by Burton would not identify this.

The Schanfield and McClintock letters

In forensic science, Locard's exchange principle holds that the perpetrator of a crime will bring something into the crime scene and leave with something from it, and that both can be used as forensic evidence. Dr. Edmond Locard (13 December 1877 – 4 May 1966) was a pioneer in forensic science who became known as the Sherlock Holmes of France.^[1] He formulated the basic principle of forensic science as: "Every contact leaves a trace". Paul L. Kirk^[2] expressed the principle as follows:

"Wherever he steps, whatever he touches, whatever he leaves, even unconsciously, will serve as a silent witness against him. Not only his fingerprints or his footprints, but his hair, the fibres from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he deposits or collects. All of these and more, bear mute witness against him. This is evidence that does not forget. It is not confused by the excitement of the moment. It is not absent because human witnesses are. It is factual evidence. Physical evidence cannot be wrong, it cannot perjure itself, it cannot be wholly absent. Only human failure to find it, study and understand it, can diminish its value." - Wikipedia.

Schanfield has submitted a letter to the Governor which has been made very public. He claims to be a leading expert on serology and DNA. It's also claimed that the conclusions made by Schanfield are corroborated by McClintock.

Before looking more closely at what these two experts say it's necessary to consider what it is that they have examined. They didn't look at any samples or original crime scene stains, they looked only at paperwork. It was the DFS data, and reports and notes from the 1985 serology and the 2009 DNA tests that Schanfield and McClintock examined, and this is relevant.

I point out once more that I'm not a scientist, nor am I a serology or DNA expert, and therefore my comments on the science should be checked with real experts. Even so, I can see the case evidence available that provides the context for the forensic evidence and I'm confident that in many respects my observations are far more accurate than Schanfield's opinions. Schanfield's misconceptions will be pointed out in the following paragraphs.

The account given by Soering should not be forgotten either. He said that he cut his fingers during the struggle and he was bleeding (and he has type O blood), and he said he washed himself in the kitchen and bathroom and left the house through the front entrance. These are the locations where type O blood was found.

He also said he used a knife to cut the throats of both victims. That would mean that blood, skin, or bodily cells from the wounds of both victims would be on the knife and could drip from the knife and from the assailant. There could also be sweat, saliva, mucous, skin cells or drops of the assailant's blood, either pure, or mixed with the blood from the victims. The very small amount of type A blood found in the kitchen and front entrance suggests that it was

transported there by an assailant. If Derek Haysom had bled there, one would expect more type A blood to have been found.

Nancy Haysom was found in the kitchen not far from the section of countertop labelled as Item 23K. The speck of blood swabbed and labelled as 23K#1 (type AB, the same as Nancy Haysom) was very small and very close to the speck of blood swabbed and labelled as 23K#2 (type A, the same as Derek Haysom). These specks of blood could have splashed there, or they could have dripped from a weapon or an assailant. If the blood dripped from a knife used on both victims, or if it dripped from an assailant who was also bleeding, then the blood may not be pure blood of only one type. If it splashed there, it could be contaminated with male DNA already on the countertop or from other tiny blood splashes or drips from the other victim, a knife or an assailant.

Another point that has to be considered is that the evidence in the crime scene makes it clear that a violent struggle took place. Whoever killed the Haysoms could not have done so without having direct physical contact with them. When making physical contact with the victims, minute traces of the victims and their clothing would be transferred to the assailant. And minute traces of the assailant would also be transferred to the victims. ("Every contact leaves a trace" – Locard's Principle) These tiny traces could be skin cells, other internal bodily cells, saliva, mucous, blood, sweat, fingerprints, or hairs and fibres. Many of these traces contain DNA.

The implications of the transfer of forensic traces goes even further than physical contact between victim and assailant. As the Haysoms went about their daily routines they would be leaving minute traces of themselves throughout their house. For example, it's a natural process for every person to be continuously discarding skin cells. It's a known fact that traces of DNA can be transferred between two people engaged in a conversation simply by breathing out whilst close to each other.

This everyday transfer of forensic traces is very relevant because the locations where many of the evidential items in the Haysom case were recovered are locations where minute traces of the Haysoms were likely to be. Soering told us that Derek Haysom opened the front door and invited him in. Derek Haysom may have left traces of his DNA in the front entrance that could affect the later DNA tests. Soering said that he was given some food. Derek and Nancy Haysom may have left minute traces of themselves on the kitchen countertop whilst preparing food. Any of these traces could easily be collected on swabs used to sample crime scene stains.

The people who manufactured the swabs or test tubes, the witnesses who found the dead bodies, the first responders, crime scene investigators, undertakers, prosecutors, scientists and lab technicians, court staff, and reporters can't be forgotten either. Forensic DNA testing was first developed in 1985, the same year as the Haysom murders. Soon after, its first use in a criminal investigation was to eliminate a murder suspect in Leicestershire, England. The first ever conviction based on DNA evidence was in 1987, in the same English case, two years after the Haysom murders. When the Haysom crime scene was examined no one realised how easily DNA is transferred from one person to another, or to objects. In 1985 investigators were aware of potential health hazards in a crime scene and that they may destroy fingerprints or leave their own. Therefore, a certain level of care was taken, but they didn't know just how much care was needed to avoid contamination by DNA. Items from the Haysom crime scene were not protected, or collected, stored or examined to a level that would meet the standards of today.

Schanfield says that he has proved that the blood types detected were pure ABO blood types and not mixtures. He has said it, but he hasn't proved it at all. He can never prove it because there is no data to support what he says.

To convince his readers, the ones that don't check the real evidence, Schanfield says, "*Finally, aside from Ms. Burton's opinion that 23K#1 and 7FE#1 are pure AB blood types ...*". But Burton never gave an opinion on any Items anywhere in her report. She didn't say that the blood traces on 23K#1 and 7FE#1 are pure AB blood types. She only reported her results and never once offered any opinions. Burton simply reported that the blood traces found on 23K#1 and 7FE#1 were type AB. There is no further serology data, DFS statements or opinions, proving or disproving a mixture of blood types on these Items.

Later, when referring to Item 23K#1, McClintock tries to endorse Schanfield by saying, "*This single source "status" is further supported by the subsequent tests using isoenzymes to determine other cell surface markers such as PGM, ADA, AK, EAP, etc.*". This sounds very good and scientific, but don't believe it, it isn't true either. It's just a good example of the sloppy work that's been done, because there are no results of subsequent isoenzyme tests on Items 23K#1, or 7FE#1, that further support anything. There were no "subsequent tests" on Items 23K#1. What McClintock says will be discussed in more detail later.

Schanfield can't be believed when he says he knows there is no mixture of blood types. He cannot know this, because for Items 23K#1, 7FE#1 or 6FE there is no data, just the ABO blood type. If you read Schanfield's letters you will notice that he hasn't provided any data or other information to support his guesses. The table below shows just how little serology data is available for these Items:

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
23K#1	AB	-	-	-	-	-	-	-	-	-
7FE#1	AB	-	-	-	-	-	-	-	-	-
6FE	O	-	-	-	-	-	-	-	-	-
2FE	O or A	-	-	-	-	-	-	-	-	-

How can Schanfield honestly say that the serology data shows that the blood detected on these Items is pure, unmixed blood? He can't, because there is no data.

Schanfield doesn't tell the Governor that if just one tiny little blood cell containing DNA from Derek Haysom or Jens Soering mixed with traces of blood from Nancy Haysom in Items 23K#1 and 7FE#1, it wouldn't have been detected by the 1985 serology tests. One blood cell would not be enough quantity for the scientists to detect it in 1985. But it would be enough to be detected in the 2009 DNA tests.

The blood traces on many of the Items were all consumed during the serology tests. DNA, from the victims or an assailant, or all of them, in a quantity so small that one wouldn't see them without an electron microscope, could still be on the swabs that once had blood on them. Hardly any DNA was detected on the Items in 2009. The few traces that were detected on 23K#1 and 7FE#1 were referred to as "Limited DNA types" and "DNA of no value". All that the DFS was able to say about these Items was that "Y" chromosomes were present.

The same applies to Item 6FE – this Item had traces of type O blood thereon. If one single skin cell or blood cell of type A from Derek Haysom mixed with O blood in Item 6FE it would not be detected in serology tests, but it could be detected in the DNA tests. Picture an assailant leaving the premises, covered in blood from the victims and also bleeding from a minor wound, and then returning to wash himself (Soering said he left twice, the first time was before he had washed). Picture O type blood trickling down to the finger ends or the

end of a knife, and as it trickled down, collecting the smallest amount imaginable of Derek Haysom's type A blood, a skin cell or a cell from inside a wound that was on the assailant's hand or knife. This scenario fits exactly with the crime scene evidence and exactly with what Soering described. What's more, it's a perfectly valid explanation as to why DNA data links Item 6FE to the other seven Items. It involves far less speculation than assuming that there were other unidentified persons present.

According to the 2009 DNA tests the DNA traces found on Item 6FE are linked to the DNA found on seven other Items. All of those other Items are type A blood (Item 2FE was recorded as type O and type A). Type A is the same blood type as Derek Haysom. Item 6LR is one of those linked Items and was collected from right by the body of Derek Haysom. When submitted it was described as "Dried stain at W. R. Derek Haysom." In every subtype field that has isoenzyme data for 6LR, it is the same as the data for Item CME-3, the autopsy blood of Derek Haysom. I would normally have said it was "consistent with", but it seems that Schanfield dislikes that terminology. One can say, almost with certainty, that the blood traces, and DNA traces on Item 6LR are from Derek Haysom. 6LR and 6FE are linked by DNA. One single skin cell or blood cell from Derek Haysom, collected along with the traces of O type blood on Item 6FE, would be enough to affect the DNA tests.

I've no doubt that Schanfield will say that this is speculation. It isn't speculation that the victims were stabbed, and their throats were cut. It's not speculation that Soering said he cut himself and blood of his type was found. Soering said that he had to throw away his clothing because of the amount of victim's blood on them. It's not speculation that blood and DNA are not the same thing and that the DFS have not ruled out Soering as a contributor of blood. There is no speculation involved when the witness Harrington saw Soering with bandages and bruises at the Haysoms funeral. Where there is a massive amount of speculation involved is in the claim that two unidentified assailants bled in the crime scene, and one alleged assailant supposedly had the same blood type as Nancy Haysom, and the other had the same blood type as Soering.

The table above shows that there was no data at all for the Items in question. But that "tiniest amount" of blood or other cells that I referred to earlier, undetectable in the serology tests, could easily be detected in modern DNA

testing because when a tiny amount of DNA is detected, it is then amplified until there is enough to produce a result.

In forensic serology, scientists rely on isoenzyme data to determine if a mixture of blood types is present. Exactly as Schanfield has done when he refers to Item 13K. But there needs to be a sufficient amount of blood present of each type for them to be detectable in serology tests. If one blood type is present in an amount that can be detected, and the other blood types are present in amounts too small to be detected, there would be no data to indicate a mixture. It seems that in Item 13K there was sufficient quantity of more than one blood type to be detectable. Nothing has changed over the 24 years that passed between the serology tests and the DNA tests; the serology data described by Schanfield as “indisputable” and “unassailable” is still the same. Schanfield cannot know that the blood traces in Items 23K#1, 7FE#1 and 6FE were “pure”, and the DFS did not say it was.

If Burton was asked during her testimony if the traces of blood were mixtures, I very much doubt that she would say that it definitely was not. She might say that there was no evidence of a mixture. If she did say something like that you can be sure that she wasn't saying there were no mixtures, only that the data doesn't show any. Without any data, Burton wouldn't know if there was a mixture or if there was not.

Neither is ABO serology testing in itself infallible. If one looks at Items 8K and 14LR - the scientists were unable to determine blood types for these Items, and yet they did produce some isoenzyme results.

The alleged presence in the Haysom crime scene of two unknown male perpetrators is based on Schanfield's interpretation of the serology and DNA data for Items 23K#1, 7FE#1 and 6FE. According to him, traces of blood on Items 23K#1 and 7FE#1 were left at the crime scene by a male with type AB blood, and traces of blood on Item 6FE were left by a male with type O blood who was not Soering.

Schanfield claims that there must have been a male perpetrator with type AB blood because “Limited DNA types” and “DNA of no value” and “Y” chromosomes were detected on Items 23K#1 and 7FE#1. The only person known to have been in the crime scene who has type AB blood is Nancy Haysom and she would not have any “Y” chromosomes in her DNA.

To justify his assumption that there was another unknown perpetrator with type O blood (who was not Soering), Schanfield relies on saying the traces of blood on Item 6FE are type O but when 6FE was DNA tested Soering was eliminated as a contributor to the DNA profile developed. Notice that he talks about blood and DNA as if they are the same.

Having found an explanation that fits with the brief he was paid \$225 per hour to support, Schanfield then set about trying to convince his readers that there is no other possible explanation. To do so he has to say that there is no mixture of blood types on the Items, he has to say that Burton also said the blood types were “pure” when she did not, he has to say that it’s speculation that skin cells caused contamination, and he has to pretend that blood and DNA are the same thing.

Throughout the following pages I repeatedly say that DNA testing does not determine ABO blood types and that Schanfield is wrong when he assumes a blood type from a DNA result. You may think I’m the one who is wrong because I’m not a scientist. Just in case there is any doubt about what I say, I’ll repeat a quote about DNA testing that I found recently:

“Forensic DNA testing cannot determine ABO blood type.”

Who am I quoting from? Schanfield of course. He said this in his letter dated May 1, 2017.

The victim’s injuries

Many people who read Schanfield’s letters will not really appreciate just how severe were the injuries received by the victims. Derek Haysom suffered a savage attack causing him massive injuries. His throat was cut from ear to ear, chin to breastbone and his windpipe was severed. He had huge slashes across his face too, and multiple stab wounds. Nancy Haysom fared hardly any better. She was also stabbed, and her throat cut.

There was no shortage of blood in the crime scene. Considering the volume of blood around, one might wonder why Schanfield hasn’t taken the time to examine the serology data to see if it’s possible to attribute any of the blood traces to the victims? By doing so, many questions could be answered.

Is it possible to identify which Items had blood traces from the victims? The answer is yes, it is possible. The starting points are Items CME- 3 and CME-4. These Items are autopsy blood samples, CME-3 from Derek Haysom and CME-4 from Nancy Haysom. These Items were tested during the serology tests and ABO blood type and subtype data is available. This data can be compared with data for other Items thereby identifying blood traces most likely to be from the victims.

Identifying Items with traces of the victims' blood has been discussed in great detail elsewhere in this report and there is no need to repeat that work here. But there are some Items that need to be mentioned in connection with Schanfield's letters, and that will be done in the following paragraphs.

Comparing the serology results by blood type and subtype data, it becomes very obvious that type AB blood traces on Items 9K and 10K are almost identical to the result for the autopsy blood from Nancy Haysom (CME-4). Where in the crime scene were these blood traces collected from? From the kitchen floor very near to the dead body of Nancy Haysom.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
9K	AB	2 - 1	2+ 1+	1	-	-	1	BA	-	1
10K	AB	2 - 1	2+ 1+	1	-	1	1	BA	-	1
CME-4	AB	2 - 1	2+ 1+	1	1	1	1	BA	2 - 1	1

A similar comparison can be done with Items 6LR, 7DR and the autopsy blood from Derek Haysom (CME-3). The blood traces on Item 6LR were collected right at the dead body of Derek Haysom.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
6LR	A	2 - 1	2- 1+	2 - 1	2 - 1	1	1	BA	-	1
7DR	A	2 - 1	2- 1+	2 - 1	2 - 1	1	1	BA	-	1
CME-3	A	2 - 1	2- 1+	1	1	1	1	BA	2 - 1	1

The serology data is telling us that the AB blood traces on Items 9K and 10K are from Nancy Haysom. The data also tells us that the type A blood on Items 6LR and 7DR are from Derek Haysom. There are several other Items with blood traces that can also be attributed to the victims.

One must ask, why hasn't Schanfield looked at the serology data with a view to identifying the victims' blood? Surely that would be the first step that an

expert would take. The answer must be that to do so destroys the idea that unknown assailants bled in the crime scene.

There are traces of type A blood on Item 6LR (from Derek Haysom) and this Item is also one of the eight Items linked by DNA traces. This gives a very strong indication that Derek Haysom is a major contributor to the DNA profiles developed from the eight Items. No wonder then, that Soering is eliminated as a contributor to that DNA, because it's from Derek Haysom.

The blood traces on Item 2FE were recorded as either type A or type O. If it was type A then that explains why the DNA traces also found on it link it to the other Items and Derek Haysom. Even if the blood traces were type O, the DNA that was also found on the Item is still from Derek Haysom. When the type O blood traces found on Item 6FE were collected, either a tiny bit of type A blood from Derek Haysom was collected, or some of his skin cells, saliva or other bodily cells from his wounds.

The same can be said about Items 9K, 10K and Nancy Haysom. The serology data indicates that Nancy Haysom is the source of the blood traces on Items 9K and 10K. This in turn indicates that she is a major contributor to the DNA profiles developed from these Items. Schanfield uses Items 9K and 10K to differentiate them from Items 23K#1 and 7FE#1. Items 23K#1 and 7FE#1 had traces of type AB blood on them, but "X, Y" chromosomes were also found. The very simple explanation for this is that when the type AB blood traces were collected, a tiny bit of Derek Haysom's blood, or Soering blood, or skin cells, saliva or other bodily cells were also collected along with it.

The Schanfield letters

Schanfield appears to be a DNA expert who doesn't know the difference between blood and DNA. He doesn't know how a DNA profile data is recorded on US DNA databases, and he doesn't know that when two alleles at a locus have the same value, US DNA analysts abbreviate the data to comply with US DNA database protocols for uploading. In fact, Schanfield thinks that when alleles at a locus are of the same length only one will be detected. Neither does he know that when DNA from more than one person is present, in some cases only two alleles will be observed. He thinks there will always be three or more alleles. What's more, Schanfield doesn't seem to acknowledge that the victims must have left some blood and some DNA in the crime scene, and so some of

the blood and DNA traces found must be theirs. Not once has he mentioned that.

Adding to his lack of knowledge about forensic DNA procedures, he obviously hasn't checked his work before submitting his completed letter. This is evidenced by the simple errors he has made. He says that, *"The 19 items DNA testable, report out 16 loci."* If he had read the report properly, he would have seen that 44 Items were DNA testable, 44 were tested, and results are shown for 44 Items in the 2009 DNA report. Schanfield has included a table of results with his letters which he says he used to track the DNA data. The DNA testing kit used by the scientists, test for DNA at 16 loci. Schanfield has completely missed one locus off his table and shown only 15 loci. Luckily, none of the Items produced any data at the locus that he forgot to enter on his table. Schanfield has also referred to an Item "6E" and to "chromomes". It's obvious that he means Item "6FE" and "chromosomes", and I know these are simple typing errors. The point is that he hasn't checked his work properly before submitting it. What else hasn't he checked properly?

Almost all of Schanfield's opinions on the serology and DNA evidence are flawed. They are flawed because he doesn't seem to understand some basic facts about forensic DNA procedures in the US, and he makes several general statements about the science of forensic DNA testing that are completely wrong. This alone casts serious doubt on everything he says.

I said earlier, for some reason Schanfield doesn't appear to have considered that some of the blood and DNA recovered from the crime scene has to be from the victims. Their injuries were so severe it's inconceivable that their blood and DNA was not found. Perhaps the reason Schanfield takes no account of the victims' bleeding in the scene is because he was paid to interpret the serology and DNA results in favour of Soering. The traces of type A and type AB blood in the crime scene are almost certainly from the victims. The DNA linking eight of the Items is almost certainly that of Derek Haysom. DNA on another two of the Items (9K and 10K) is almost certainly from Nancy Haysom. So, of course Soering would be eliminated as being a contributor to those DNA profiles. But despite what Schanfield says, Soering is not eliminated as a source of any blood.

Schanfield begins by saying:

"In 1985, the Commonwealth's serologist, Mary Jane Burton examined those items of evidence submitted to her and for some reason she saved a sample of many of the items provided her, attaching the items to the DFS file."

Burton did not save a “sample of many of the Items provided her”, she saved the remains of some of the swabs of the Items. There is a huge difference. One of the first things that Schanfield says is that *“Detection of the clinical or ABO blood types in forensic science is done differently than in the clinical laboratory, since stains cannot be tested in the same fashion as liquid blood.”* There was no liquid blood to be DNA tested in 2009, and even in 1985 Burton was not testing liquid blood (except perhaps for the autopsy blood samples). All of the crime scene samples were stains. Yet throughout his two letters Schanfield talks about “samples”, “Items”, “blood” and “DNA” as if they were the same and all samples of liquid blood.

Schanfield then says, *“The items seem to be of importance because if it is established that other people were present at the crime scene, the prosecutor’s theory of the case is undermined and the evidence in the case needs to be reevaluated. The four items are 2FE (FE for Front Entrance), 6FE, 7FE #1 and 23K #1 (K for Kitchen).”* Here Schanfield has set out exactly what he intends to do. That is, to interpret the evidence in such a way as to undermine what the prosecutor said. Schanfield calls it the “prosecutor’s theory” when it wasn’t a theory at all. Updike presented the court with evidence of what Soering himself said had happened.

*“Of significant importance, BODE laboratory and DFS have excluded Jens Soering as a contributor of **blood** found at the crime scene.”*

This is the first of several statements made by Schanfield that are just not true. It may be of “significant importance” to Schanfield to deliberately mislead his readers but BODE Laboratory and the DFS have not eliminated Soering from being the contributor of any blood. Soering is eliminated as being a contributor of a DNA profile that is almost certainly that of Derek Haysom. This has been discussed in detail elsewhere in this report, including the very strong evidence that the main contributor to the DNA profile that links eight Items together is Derek Haysom.

“DFS sent you a letter dated August 26, 2016 stating that Ms. Burton’s notes showed that item 2FE was identified in Ms. Burton’s notes as a blood Type A. Yet, Ms. Burton reported this item as blood Type O on the

matrix chart she prepared, and so testified under oath to it being Type O blood. I believe from my review of the DNA findings that 2FE was more likely Type O blood which I will explain later.”

The blood traces found on Item 2FE are more likely type A as identified in Burton’s working notes rather than type O. Again, whether the blood was type O or type A has been discussed in more detail elsewhere in this report. Schanfield says he will “explain later” why he thinks Item 2FE is type O and not type A blood. When he does “explain later”, he only says that it’s just as likely that it was type O blood as type A blood, producing no evidence to support this. He then switches to talking about DNA to prove it, even though we know from Schanfield that *“Forensic DNA testing cannot determine ABO blood type.”* A true scientist wouldn’t just pick one of the two blood types and then continue, trying to justify their guess. A true analysis of the facts determines that the blood traces on Item 2FE are either type A or type O. We can’t be sure which from the serology data, and the DNA tests don’t determine blood types.

Schanfield goes on to say that the stains were in ample quantities and he evidences this by saying that BODE had three swabs available for DNA testing. Of course, his assessment is not accurate. There are several examples in the serology report that show that there was not enough stain present to allow full subtype testing to be done. And when Schanfield says BODE had three swabs available it doesn’t mean there was any blood left on them. BODE and the DFS could continue to take more and more swabs of the three swabs, ad infinitum. The amount of swabs is irrelevant, it’s what is on them, or not on them, that counts.

Schanfield says:

Schanfield 2nd letter - “[The following information will be of interest only to the scientifically curious. At locus D8S1179, item 9K reports only one value: 14. This indicates that one of the two alleles dropped out during DNA testing, see page 4 of my original letter. This does not affect the finding in regard to item 10K. Also, item 23K #1 reports no values at locus D8S1179. That does not affect the finding in regard to 7FE #1. Dropped alleles and no reported results are common in DNA testing of decades-old blood samples, which were often secured under less-than-ideal conditions.]”

So, this information will be “of interest only to the scientifically curious”. He seems to be saying that an average person, not being a scientist, couldn’t possibly understand. So, one can expect then that what Schanfield is about to say will be scientific and it will be correct. He then points out that the DNA data for 9K at locus D8S1179 reports only one value of “14”. He confidently states that this means that an allele has dropped out during testing. He is wrong! I can guarantee that if you ask any DNA scientist or DNA analyst who works in a US crime lab, they will tell you that Schanfield’s statement is rubbish.

Rather surprisingly, Schanfield the DNA professor, doesn’t know how DNA profiles are recorded in the US. A single value shown at a locus, such as the “14” that he quotes, doesn’t indicate that an allele has dropped out as he says. The D8S1179 locus value of “14” indicates that two alleles of the same length were observed at that particular locus. It doesn’t mean that only one allele was observed and the other “dropped out”. It simply means that two alleles of the same length have been abbreviated by analysts to comply with protocols for uploading to US DNA databases. If only one allele had been observed at a particular locus then it’s unlikely that the DFS would include it in a profile at all.

The fact that Schanfield doesn’t know that US analysts abbreviate data doesn’t affect the DNA results but shows that Schanfield has a very poor knowledge of how DNA profiles are recorded in the US. It also shows that Schanfield has made his observations based on data that he hasn’t actually understood correctly, and it shows that McClintock does know better and has corrected him.

It’s very obvious that Schanfield doesn’t know or doesn’t understand how US DNA analysts record data in DNA profiles. What else doesn’t he understand?

“Human beings have two alleles for a single trait, one being inherited from each parent. If they are the same length, there will be only one allele detectable. If there are two different lengths, two alleles will be detected.”

This statement by Schanfield is similar to the one before it, and once more, an expert should know better. The previous statement was specific to a particular item, and Schanfield said that because only one value was shown in the profile then an allele had dropped out. In this statement Schanfield makes a more general statement saying that when alleles are the same length only one is detectable. It's another statement that is completely wrong and one which

casts serious doubt on Schanfield's status as a DNA expert. It's so far wrong that McClintock felt obliged to correct Schanfield on this issue.

We know that at a particular locus, we inherit one allele from one parent and one allele from the other parent. If, for example the values for one parent at a locus are 18, 17, and the values at the same locus for the other parent are 17, 18, then at that same locus their children could have four possible combinations of alleles. They are 18, 17, an 18,18, a 17, 18 or a 17, 17. According to Schanfield, two of these possible combinations would be undetectable. I don't think Schanfield's assumptions would be accepted by any other forensic DNA expert.

Schanfield may not be aware of it, but two alleles of the same length at a locus are detectable, and it's very common for DNA scientists specialising in forensic DNA to detect alleles of the same length. When they do so, UK DNA analysts record both values, even though they are the same, for example "14, 14". In the US analysts record the two values as "14". US and UK forensic DNA experts that I've worked with know this. McClintock knows it too, which is why he has corrected Schanfield in his letter.

Every set of DNA data in this case, except one (Item 7FE#1) contains examples where only one value is shown at a locus, and that Item 7FE#1 only has data at three loci (plus AMEL). These examples are at many loci, not just at one. Looking only at the eight Items linked by DNA there are 19 examples where only one value is shown. There are five examples in Item 35K alone. According to Schanfield, this means that alleles have dropped out at all of those loci. He is completely misreading the data, and he is completely wrong. Alleles haven't dropped out; they are there, they were observed and recorded and they're the same length. It's just that the analysts have abbreviated the results.

It seems that when one considers what Schanfield says, there are two possible scenarios. One is that he is deliberately misleading his readers about the forensic evidence in the Haysom and Soering case. The other is that he just doesn't understand the serology and DNA data and he isn't the expert that he claims to be. I'm going to assume it's the latter of the two, because to think otherwise would mean Schanfield has deliberately lied to the Governor. Either way, what Schanfield says is not correct.

Schanfield's perception of the data is completely flawed and his opinions that follow are flawed as a result. McClintock has discreetly corrected Schanfield in his letter, knowing that Schanfield is wrong.

Schanfield also says, *“However, when old samples with reduced or degraded DNA are present, the number of loci detected may be reduced (either no results or partial results due to allele has dropped out), also or there may be the possibility of a mixture of two or more sources leading to more than two alleles being found at a given locus.”* This is another inaccurate statement. It’s true that old, reduced or degraded DNA can make interpretation of results very difficult. But alleles can “drop-in” as well as “drop-out”. More importantly, there can be a mixture of DNA from two or more contributors even though only two alleles are observed at a given locus. There are plenty of articles on the internet saying that even in pristine laboratory conditions, mixtures of DNA from two or more contributors cannot always be identified. Particularly when the DNA is low-quantity, low-quality or degraded due to age of the DNA sample, or there is a big difference in the ratio of one DNA to another. This seems to be something else that Schanfield is unaware of. In this case the samples are low-quantity, and low-quality, and old.

“The differing values at loci D3S1358 allow me to state, with a reasonable of scientific certainty that 23 K #1 was left by a different contributor than 10K and 9K. These two different contributors both had type AB blood, but different genders and different alleles at loci D3S1358. I can also state, with a reasonable degree of scientific certainty, that a different contributor than 22DR, 35K, 4DR, 6LR, 7DR, 8DR, based on ABO type, left items 2FE and 6FE.”

It’s statements like this one that make it difficult to accept that Schanfield really is a forensic expert. To start with his language is very imprecise. Item 23K#1 is a swab of a stain, and it was collected at the lab, not from in the crime scene. It was a swab that was rubbed against a very small stain, including the surface the stain was on. We know that some blood traces were collected on the swab, and we know that some DNA traces were collected, either from blood, saliva, skin cells, other body cells or from all of them.

Schanfield starts by talking about DNA loci, determining that Item 23K#1 was left by one person, and 9K and 10K was left by a different person. He then adds that the blood types on these three Items is type AB. He doesn’t mention that there is strong serology evidence that Nancy Haysom is the source of the blood traces on 9K and 10K.

The DNA results are completely separate from the serology results. They can be used in conjunction with each other, but they are not interchangeable. A very tiny amount of DNA, from Derek Haysom or Soering, collected with some AB blood from Nancy Haysom would not be detected in the serology tests.

By examining the DNA data and the serology data very good evidence can be found that the DNA found on Item 23K#1 is from Derek Haysom, and the DNA found on 9K and 10K is from Nancy Haysom. Obviously, they are different people. On that point Schanfield is correct.

When he talks about Items 23K#1, 9K and 10K Schanfield says, “[These two different contributors both had type AB blood, but different genders ...](#)” Now Schanfield has gone completely wrong. Serology tests do not determine the gender of the sources of the blood. Schanfield has to use DNA data to pretend that he knows the gender of the sources of blood. Schanfield can claim that he knows the blood types were not mixed, even though he can’t possibly know that (except for Item 13K and possibly 14K). But he can’t legitimately claim that there was no mixture of DNA. His statement is just wrong. He can say that type AB blood was found on Items 23K#1, 9K and 10K. He can also say that the DNA values at “[loci D3S1358](#)” (and he got that wrong, he means “locus”) allow him to state that the DNA was left by different people, but he cannot combine the two statements and still be correct.

Then he says that the ABO data shows that Items 2FE and 6FE were left by a different person than Items 22DR, 35K, 4DR, 6LR, 7DR and 8DR. For 6FE it’s very obvious, because it’s blood type O, but there is no further serology information known about 6FE. The ABO blood type for six of these Items is type A. Item 2FE is also most likely to be type A but could be type O. It isn’t contested that the DNA traces are from different people, but looking only at the serology data, the evidence indicates that the type A blood traces on the six Items (seven if you include 2FE) came from Derek Haysom.

The results of the DNA tests do not determine anything at all about blood types. The serology tests don’t determine gender. It’s not possible to know from the DNA data what blood types the contributors to the DNA had. The evidence overall shows that the DNA traces found on Items 9K and 10K are almost certainly from Nancy Haysom. The DNA

traces found on Item 23K#1 are almost certainly from Derek Haysom. So of course, the DNA traces are from different contributors.

Schanfield's final comment in the paragraph above is, *"I can also state, with a reasonable degree of scientific certainty, that a different contributor than 22DR, 35K, 4DR, 6LR, 7DR, 8DR, based on ABO type, left items 2FE and 6FE."* Because he says this, I'll reproduce the serology data for these Items. It's the data Schanfield has based his assumption on.

We'll never be sure if the blood traces on 2FE are type A or type O. Even so, I've included what little data there is for 2FE.

Item	ABO	PGM	PGM Subtype	ADA	Glo	AK	EsD	EAP	HP	PepA
22DR	A	-	-	-	-	-	-	-	-	-
35K	A	2 - 1	2- 1+	-	1	1	1	BA	-	-
4DR	A	2 - 1	2- 1+	2 - 1	-	1	1	BA	-	-
6LR	A	2 - 1	2- 1+	2 - 1	2 - 1	1	1	BA	-	1
7DR	A	2 - 1	2- 1+	2 - 1	-	1	1	BA	-	1
8DR	A	-	-	-	-	-	-	BA	-	-
2FE	A or O	-	-	-	-	-	-	-	-	-
6FE	O	-	-	-	-	-	-	-	-	-
CME-4	AB	2 - 1	2+ 1+	1	1	1	1	BA	2 - 1	-
9K	AB	2 - 1	2+ 1+	1	-	-	1	BA	-	1
10K	AB	2 - 1	-	1	-	1	1	-	-	1

It's very clear to see that the only way to know that the blood traces found on the two Items came from a different source than the blood traces on the other six is only because the ABO type is different. There is no isoenzyme subtype data available. Schanfield is correct in saying that the ABO data shows different contributors of blood traces, but one doesn't need qualifications in any science to work out type A blood and type O blood are different.

Schanfield is telling us what we already know and making it sound like it supports his opinions. We know that based on ABO blood type there are traces of type A and type O. Items 22DR, 35K, 4DR, 6LR, 7DR, and 8DR are all blood type A, and we also know that Item 6FE was recorded as ABO type O. It's very obvious that according to the ABO data a different person left Item 6FE, and that person had type O blood. Soering has type O blood. The fact that in her working notes Burton

recorded Item 2FE as having type A blood means that it probably was type A, the same as Derek Haysom, but one can't be 100% sure.

When talking about Item 23K#1, 9K and 10K, there is some information that Schanfield has chosen not to mention – he doesn't mention that the serology data for Items 9K and 10K is consistent between the two, and consistent with the serology data for Item CME-4 (data included in the table shown above). Item CME-4 is autopsy blood from Nancy Haysom. All of the blood traces on the three Items are AB blood type, and so is the blood in CME-4. Items 9K and 10K were collected from the kitchen floor close to the dead body of Nancy Haysom. The blood traces on Item 23K#1 appear to be from Nancy Haysom, based only on blood type, but there is no isoenzyme data available for Item 23K#1 so it's impossible to know if it was contaminated or not. It certainly can't be said truthfully that the data shows that the blood was pure and not contaminated with another person's DNA.

“It is my opinion, that Mr. Soering was eliminated as the contributor of Type O blood at the crime scene. Further, because the DNA report does not prove that a contributor of Type A, AB or B has the same DNA as the item 6FE sample, then at least one or more male contributors, each having a “Y” chromosome and with Type O blood other than Mr. Soering were at the crime scene.”

Looking closely at what Schanfield says above it can be seen that his first sentence is about blood types. The DFS have not eliminated Soering as a source of any blood. Remember, serology data does not determine blood types. Schanfield then says, *“Further, because the DNA report does not prove that a contributor of Type A, AB or B has the same DNA as the item 6FE sample, then at least one or more male contributors, each having a “Y” chromosome and with Type O blood other than Mr. Soering were at the crime scene.”* Hang on a minute, what is he trying to say? – it looks like he is saying that the DNA report doesn't prove anything about blood groups. We know that already. Schanfield told us that forensic DNA testing can't determine blood types. Schanfield could include type O blood in his statement and say, *“The DNA report doesn't prove that a source of type A, AB, B or O has the same DNA as Item 6FE”*. That would still be a correct statement because the DNA results prove nothing at all about blood types. But look closely at Schanfield's estimate of how many males with type O blood were at the crime scene. He

says, "*at least one or more*". We know that despite what Schanfield says, the evidence does not eliminate Soering as the source of any type O blood, and Schanfield tells us that there was at least one person present with type O blood.

Looking at Schanfield's final conclusions one can see that he makes several observations in his two letters; some of the conclusions in his first letter are repeated in his second letter.

Schanfield's conclusions in his 1st letter

23K#1 was left by a different person than Items 9K and 10K.

Blood traces and DNA traces were recovered from Item 23K#1, 9K and 10K. There is no serology evidence that blood traces found on Item 23K#1 and the blood traces on Items 9K and 10K were left by different people. Items 9K and 10K have isoenzyme data that is consistent between them and consistent with the data in Item CME-4 (autopsy blood of Nancy Haysom). Item 23K#1 has no isoenzyme data and it can't be said that it's from the same or a different source.

Both contributors had type AB blood types but different genders, and different alleles at D3S1358.

The serology data does not identify the gender of the source of the blood traces on Items 23K#1, 9K and 10K. Schanfield should know better. In fact, he does know better because he told us serology tests don't identify gender.

The DNA locus D3S1358 has nothing to do with blood types. The allele values at locus D3S1358 in Item 23K#1 are "19, 16", and at the same locus in Items 9K and 10K the values are "16, 14". This indicates that the DNA may be from different people. As said already, the serology data supports that blood traces on Items 9K and 10K are almost certainly from Nancy Haysom and there is a reasonable assumption she is also a contributor to DNA on 9K and 10K. The allele values at locus D3S1358 of "19, 16" in 23K#1 show that there was also some other DNA present.

When looking at the DNA results, Items 6LR and 7DR should also be compared with Item 23K#1. The location of Item 6LR, and the serology data support that the blood traces on Item 6LR came from Derek Haysom. Looking at the DNA data for Item 6LR you will see that at locus D3S1358 the values are "19, 16". The same values at that locus as Item 23K#1. I'm not an expert but this seems to me to be very good evidence of a mixture of DNA from Nancy Haysom and Derek Haysom, from blood cells or other cells. A very tiny speck of Derek Haysom's blood, skin or internal bodily cells from his wounds would not register in the serology tests but could be detected in the DNA tests.

Items 22DR, 35K, 4DR, 6LR, 7DR and 8DR were left by a different person that left Items 2FE and 6FE, based on ABO blood type.

This has been discussed already. The Items had traces of different ABO blood types on them, so we know the blood traces are from different people. There is very strong forensic evidence that one of those people is Derek Haysom who has type A blood, and there is evidence that Soering has type O blood. Soering has not been eliminated as a source of the O type blood traces from the Items. Evidence of Soering's confessions and his description of the crime scene must also be considered along with the forensic evidence. According to the serology evidence, blood traces on Item 2FE are either type A or type O. One can't decide by using the serology evidence. However, Burton's working notes state that 2FE is type A blood.

The DFS state that the DNA traces found on 2FE are linked to the other seven Items, including Item 6LR. The DNA traces on 6LR are almost certainly from Derek Haysom. DNA evidence does not confirm blood types, but taking all of the facts into account, blood traces on Item 2FE are most likely type A.

There is no scientific basis that 2FE and 6FE and the other six Items came from a common male contributor.

This statement is incorrect due to the misleading terminology used. Blood traces were found on the Items in 1985, and DNA traces were found on them in 2009. Making a broad statement using the term "Items" is wrong. There is "unassailable" and "indisputable" serology evidence that the blood traces on six of the Items are type A. There is serology evidence that the blood traces on Item 6FE are type O, and the blood traces on the last Item, 2FE, are either type

A or type O. There is DNA evidence that the DNA traces found on all eight items have a common contributor. It's perfectly correct to say that the DNA traces are common to them all and the blood traces are of two blood types. What's more, there's a perfectly valid explanation for this that doesn't include any other unidentified suspects.

Schanfield letter 2 (Sept 14, 2017)

In Schanfield's letter to the Governor dated September 14, 2017, he starts by repeating that type A blood mixed with type AB or B blood does not produce type AB blood. As far as I know the only person who has suggested that it might do so is Soering in his book *Mortal Thoughts*. However, it is absolutely possible, and in this case it's very likely, for one blood type to be contaminated with DNA from another person, and it wouldn't be detected in serology tests if the quantity was very small, even if the DNA was from another blood type. If one single blood cell mixed with another blood type it's unlikely it would be detected by serology tests, but it's very likely it would be detected by DNA tests.

“Serologist Ms. Burton, did not report a mixture meaning she found a true AB type blood in the stains she identified. Of course, in the DNA 2009 testing, each of the AB blood types described above contained a “Y” chromosome meaning it was a male contributor.”

Because Burton didn't mention a mixture doesn't mean that she found a true blood type as Schanfield says. All it means is that no mixture was observed. If the blood was contaminated with DNA from sweat, saliva, skin or other bodily cells Burton wouldn't know it. She wouldn't even know if the items were contaminated during examinations at the lab long after they were collected.

Schanfield says, *“Of course, in the DNA 2009 testing, each of the AB blood types described above contained a “Y” chromosome meaning it was a male contributor.”* How can Schanfield say that “each of the AB blood types contained a “Y” chromosome”? He doesn't know that and there is no evidence of it. If Schanfield tried to say this in court, he would not get away with it. He doesn't know which type of chromosomes were in the AB blood traces, and he doesn't know if the “Y” chromosomes detected in 2009 came from the AB blood. Schanfield won't be able to produce any evidence of traces of type AB

blood containing any type of chromosomes because there is no evidence of that.

Schanfield says he's proved that Items 23K#1 and 7FE#1 are true blood types. He hasn't proved it; he has only stated his opinion. He then goes on to "*add additional proof of the purity of the AB blood type.*" As his added proof Schanfield simply repeats his mistakes from his first letter. The swabs known as Items 9K, 10K, 23K#1 and 7FE#1 all originally had blood traces on them, and many years later DNA traces were found on them. All of the blood detectable on these Items in the serology tests is type AB, most likely from Nancy Haysom. Some of the DNA that was also on the swabs has "X, X" chromosomes and was also probably from Nancy Haysom, and some of it has "X, Y" chromosomes probably from Derek Haysom, or Soering, or someone at the factory that made the swabs, or any male that entered the crime scene or examined the Items at any time over the next 24 years.

Schanfield tries to convince us that DNA traces on Item 23K#1 are from a different person than Items 9K and 10K. He quotes the values from locus D3S1358 as proof. But there is no need to convince us because we are already convinced. The DFS have already said so. They said that the DNA traces found on Item 23K#1 are indicative of a male. They also said that the DNA traces found on Items 9K and 10K are indicative of a female. Perhaps Schanfield didn't notice that.

7FE#1 was left by a different person than 10K.

The serology evidence is that the blood traces on Item 7FE#1 are type AB, so are the blood traces on Item 10K. As further confirmation, the serology data for Item 10K is consistent with the data for the autopsy blood from Nancy Haysom (Item CME-4). Together with the location from which it was recovered, this is a very good indication that the blood traces on Item 10K are from Nancy Haysom. However, the DNA traces on Item 7FE#1 and 10K are different. For Item 7FE#1 there is only DNA data at three loci and the DNA is referred to as "types of no value" and "X, Y" chromosomes from a male were detected. Item 10K has data at seven loci and "X, X" chromosomes from a female are present. If the serology evidence suggests that the blood traces on 7FE#1 and 10K are from Nancy Haysom (and it does), then how can the DNA traces be different? Because it's contaminated with DNA from Derek Haysom or Soering. The serology data together with the DNA data gives a good indication that the blood traces on both Items are from Nancy Haysom. But the DNA on Item 10K

comes from Nancy Haysom and the DNA on Item 7FE#1 comes from Derek Haysom or Soering. Once more, there seems to be good evidence that a tiny amount of blood or other cells containing DNA has mixed with AB blood.

23K#1 has different values than Items 9K and 10K at AMEL locus, D3S1358 and D13S317.

This observation is repeated from Schanfield's first letter and has already been discussed. Quite obviously the DNA is different, but that tells us absolutely nothing about the blood traces on these Items. The DNA data for Item 23K#1 is consistent with 6LR (Derek Haysom). Serology data indicates that blood traces on 6LR are consistent with CME-3 (Derek Haysom). It also indicates that the blood traces on Items 9K and 10K are consistent with CME-4 (Nancy Haysom). Derek Haysom and Nancy Haysom would have different DNA, wouldn't they?

The differing values at locus D13S317 confirm his earlier findings regarding Item 23#1 (his earlier findings are that 23K#1 was left by a different person than Items 9K and 10K).

(Schanfield means Item 23K#1 not 23#1) This observation by Schanfield has also been discussed already. The DNA traces on 9K and 10K are from one person (Nancy Haysom), the DNA traces on 23K#1 are from a different male person, the blood traces on 9K and 10K appear to be from the same person (Nancy Haysom), and all that can be said about the blood traces on Item 23K#1 is that they are the same type as Nancy Haysom.

Burton gave an opinion that 23K#1 and 7FE#1 are pure blood types and there are no additional alleles. – Burton gave no opinions in her report on anything. We know that there are no additional alleles shown in the data.

Schanfield's status as an expert is severely undermined by this statement. A true expert would not say this. The first point is that Burton gave no opinions at all, so what Schanfield says is not true. Even if Burton was asked her opinion in court, I doubt that she would say anything other than that there is no serology evidence of a mixture of blood types. Of course, she wouldn't know if there was a mixture of DNA's.

Where Schanfield really exposes his lack of knowledge is when he says, “*and there are no additional alleles*”. He says 23K#1 and 7FE#1 are pure blood types when he can’t possibly know that from the serology results. Then as confirmation he says there are no additional alleles. Ignoring the fact that the loci where alleles are examined in forensic DNA testing have nothing whatsoever to do with blood types, we already know that Schanfield mistakenly believes that when there is a mixture of DNA, three or more alleles will always be observed. He can’t see any additional alleles for these items and so he wrongly states that this is proof there is no mixture of blood. The DNA results give no information at all about the purity of blood traces, they have nothing whatsoever to do with blood. Schanfield is either ignorant of the differences between blood and DNA, or he is being misleading.

“Earlier I had stated that there was no mixture or contamination from someone else. I can make that observation because a mixture would show up as having a third allele present (remember that only two alleles appear at any one locus in a single donor sample) and contamination would likewise show added alleles. There is simply no indication that either a mixture or contamination from another source compromised the DNA certificate.”

Schanfield is wrong again. In mixtures of DNA a third, or additional alleles aren’t always seen.

“It is my opinion, that Mr. Soering was eliminated as the contributor of Type O blood at the crime scene. Further, because the DNA report does not prove that a contributor of Type A, AB or B has the same DNA as the item 6FE sample, then at least one or more male contributors, each having a “Y” chromosome and with Type O blood other than Mr. Soering were at the crime scene.”

Once more, I have to repeat that Soering has not been eliminated as a source of blood. Item 6FE is not a sample of blood, it’s a swab that was rubbed against a dried stain. When tested at the lab that swab had traces of type O blood on it. In addition, it also had some traces of DNA from a male. That DNA is linked to seven other items including Item 6LR.

The McClintock letter

McClintock was briefed to confine his opinions to only three Items and in the main he has done so. Those Items are 23K#1, 7FE#1, and 6FE.

The first thing of note about McClintock's letter is that he has kept his conclusions on serology separate from his conclusions on DNA. The two are presented in separate sections. From this I presume that McClintock does acknowledge that blood and DNA are not the same thing.

McClintock on serology

When considering the serology aspect McClintock reaches four conclusions:

1. *"Item 23K#1 appears to be a sample containing a single contributor with an ABO blood type of "AB" not "A" and "B" combined or "A" and "AB" to create a mixture. This single source "status" is further supported by the subsequent tests using isoenzymes to determine other cell surface markers such as PGM, ADA, AK, EAP, etc."*

Here, McClintock has made a huge mistake in his assessment. He cannot possibly know if 23K#1 has a mixture of two blood types because there is no isoenzyme available, even though he says there is. Because there is no data available it makes McClintock's statement a complete guess. When looking for a mixture of two or more blood types serology scientists rely on the isoenzyme results. McClintock and Schanfield do exactly that when they talk about Item 13K.

From what McClintock says one would also think that Item 23K#1 is a sample of blood. It is not. One would think that the DNA scientists had a test tube of blood ready to test for DNA. They did not. They didn't even have pristine swabs to work with. In reality they had remnants of swabs left over from the 1985 serology tests. That's what the DNA tests were carried out on.

Item 23K#1 came from Item 23K, which is a section of a Formica countertop. It was removed from the crime scene and submitted to the DFS who then swabbed two small areas very close to each other. They then labelled these two swabs as Items 23K#1 and 23K#2. The swab 23K#1 had traces of type AB

blood on it, and the swab Item 23K#2 had traces of type A blood on it. These blood types are the same as those of Nancy Haysom and Derek Haysom.

Looking only at the serology data it's a reasonable assumption that the traces of AB blood are from Nancy Haysom, and the traces of type A blood are from Derek Haysom. Blood does contain DNA, and here we have blood from a male and a female very close to each other.

Modern DNA techniques take the minutest quantity of DNA and amplify it. This is not the case with the serology tests in 1985. A quantity of blood equal in size to the amount of DNA found on the Items would not even register as blood in a serology test. The quantity is just too small.

In addition, these traces of blood were most likely drips from the assailant or a weapon. When he talks about Item 23K#1, McClintock refers to "samples" when in fact the actual samples of the stains were on the countertop. It was swabs of the samples that were ABO tested, and it was the swabs that were later DNA tested, not the stains. There is a difference.

Nevertheless, McClintock concludes that the blood traces found on the swab were from a single source and not a mixture. I don't think anyone has said that the traces of blood recovered from Item 23K#1 were a mixture of two or more blood types. Possible mixtures have been mentioned, but mixtures of DNA not blood. As far as I'm aware, only one person has suggested that type A blood mixed with type B or type AB might produce type AB blood. That person is Soering in his book *Mortal Thoughts*. I don't think that the DFS have said anything like that.

Even though no one has said that there is a mixture of blood types, McClintock then makes a statement to support his conclusion that there is no mixture of bloods. He says, "*This single source "status" is further supported by the subsequent tests using isoenzymes to determine other cell surface markers such as PGM, ADA, AK, EAP, etc.*" He is 100% wrong on this. The problem with his statement is that there is no isoenzyme data available for Item 23K#1.

In simple terms, McClintock just hasn't checked the data thoroughly. The 1985 serology report doesn't contain any PGM, ADA, AK, EAP, or any other isoenzyme data for Item 23K#1. This shows a poor level of accuracy on his part. McClintock's claim that the blood is not a mixture is disputed, because no one would know that from the evidence available. What is clear though is that there is a mixture of DNA present.

“... one sample that appears to be a mixture – Item 13K (labelled as a stain from the floor).

This statement doesn't appear to contain any more errors. However, McClintock doesn't mention Item 14K. Forensic experts should be asked if this is also indicative of a possible mix of blood types. Item 14K is the only Item associated with type AB blood that has different values in the “PGM Subtype” field. Every other Item with traces of AB blood that has data in the PGM Subtype field has “2+1+”, but the data for Item 14K is “2-1+”. The autopsy blood sample from Derek Haysom is also “2-1+” in the PGM Subtype field. Perhaps the blood traces found in Item 14K were also a mixture of blood from Derek and Nancy Haysom and Schanfield and McClintock simply didn't notice.

“Item 7FE#1 appears to be a sample containing a single contributor with an ABO blood type of “AB” not “A” and “B” or “A” and “AB” combined to create a mixture. Unfortunately, no data was obtained with the subsequent isoenzyme tests.”

Everything already said about McClintock's interpretation of the serology data for Item 23K#1 can also be said about 7FE#1. The door threshold (Item 7FE) was removed from the crime scene and sent to the lab. Swabs were taken from two areas close to each other and labelled as 7FE#1 and 7FE#2. Like Items 23K#1 and 23K#2, traces of type AB and A blood were found on 7FE#1 and Item 7FE#2. There is no isoenzyme data available for Item 7FE#1, but there is PGM, PGM Subtype, ADA, AK, and EAP data available for Item 7FE#2. This data is the same as the data from the serology tests on Item CME-3, the autopsy blood sample from Derek Haysom.

The two blood type traces found on Item 7FE, the front door threshold, swabbed and labelled at the lab as Items 7FE#1 and 7FE#2 are the same two blood types as the victims. For 7FE#1 no data is available other than the blood type of AB. The data for Item 7FE#2 is the same as the data for Derek Haysom's blood, Item CME-3. Bear in mind that the injuries received by the victims were very severe and would have bled profusely. The very small amounts of A and AB blood in the front entrance suggest that it's unlikely that the victims bled there. The most likely way for these traces of blood to get to the front door threshold is for them to be carried there on an assailant or a weapon. This scenario fits exactly with the events described by Soering.

When considering the victim's blood dripping from the assailant or on weapons, weapons used on both victims, one victim with type AB blood, and one with type A blood, it becomes very possible that a speck of type AB blood could be contaminated with the minutest amount of type A blood. An amount so small that it didn't show up in the 1985 serology tests. Or, it could just as easily have been contaminated with sweat containing skin cells from the assailant. After a desperate struggle with the victims, the assailant probably was sweating. Skin cells from the assailant, either being discarded naturally or sloughed by sweat, could very easily contaminate the speck of type AB blood from Nancy Haysom with a minute amount of male DNA. I've no doubt that Schanfield, and possibly McClintock will say this is speculation. In fact, it involves far less speculation than the notion that there were other unidentified people present.

Item 7FE#1 was tested for traces of blood and blood traces were found. It is not disputed that the blood found on the swab in 1985 was type AB, but no one knows whether the swab also collected DNA from one or more contributors, or if DNA from one or more contributors was deposited on the swab when it was manufactured, when it was used, or at any time during the 24 years after it was collected and before it was DNA tested.

2. Item 6FE appears to be a sample containing a single contributor with an ABO blood type of "O". No data was obtained with the subsequent isoenzyme tests.

Again, the same comments made about McClintock's interpretation of serology data for Item 23K#1 and 7FE#1 also apply to what he says about Item 6FE. It wasn't a blood sample being DNA tested, and no one suggests a mixture of blood types. McClintock says nothing in his letter that excludes Soering from being the source of the type O blood traces found on Item 6FE. As far as the serology data goes, all that can be said is that type O blood was found and Soering has type O blood.

In addition to the four conclusions above, McClintock points out that during ABO testing, a mixture of blood types would have produced a specific result that would have been observable. Again, no one disputes that if the blood types were in sufficient quantity to be detected, but that is not so for a mixture of DNA.

In conclusion, as far as I know, no one has said that there was a mixture of blood types recovered from Items 23K#1, 7FE#1 and 6FE. McClintock confirms what we already know, no mixture of blood was detected on these Items. The problem with McClintock's comments on serology is that his terminology is imprecise and misleading, and he hasn't checked the available data properly.

McClintock on DNA

When McClintock interprets the DNA tests and results, he makes the following three statements:

1. *"The partial profiles generated from Items 6FE, 7FE#1 and 23K#1 further support the conclusion that these samples contain one contributor or from a single source – not a mixture."*

First, note that McClintock has referred to the data generated from all three of these Items as "partial profiles". The DFS don't call any of them "partial" profiles.

In forensic DNA circles the terminology used has quite specific meanings. The DFS refer to the data for Item 6FE as a "profile". Presumably because they say it is linked by the DNA data to seven other Items giving them the confidence to call it a profile.

Because there is so little DNA data available for Items 7FE#1 and 23K#1 the DFS don't consider that the traces of DNA developed can be referred to as "profiles", or "partial profiles". Item 7FE#1 DNA data is referred to as "DNA types of no value...". DNA data for Item 23K#1 is referred to as "Limited DNA types ...".

When McClintock uses the phrase *"these samples contain one contributor or from a single source – not a mixture."* he is being vague. Does he mean it's not a mixture of blood? Or does he mean it's not a mixture of DNA? He can safely say that there is no evidence of mixtures of blood, but it would be a bold statement to say that there is no mixture of DNA.

2. *All three (3) samples were determined to be of male origin (the gender determination is associated with the Amelogenin (Amel) gene with all three samples showing a "XY" profile which constitutes a male).*

Again, McClintock uses the term “samples”, and again he is wrong to do so. The “samples” have not been determined to be of male origin. McClintock’s statement is completely wrong. When talking about genetic material detected during the DNA testing, he should be talking about “DNA”, not “samples”. He can say that the DNA traces recovered from the Items were from male contributor/s, but he cannot state that any of the blood traces came from males. The serology testing doesn’t determine gender of sources of blood, and the DNA testing does not identify that any DNA recovered comes from blood.

It was the traces of DNA that were determined to have been contributed by males, not the “samples”, and not blood. To experts in serology it may be obvious that the 1985 data doesn’t indicate a mixture of blood types found on Items 23K#1, 7FE#1 and 6FE, but I doubt that a DNA expert would be confident there is no mixture of DNA. Even Schanfield makes the point that old and degraded samples can cause problems with interpretation of data.

3. Basic genetics has demonstrated that we receive on allele from each parent at all loci; however, when alleles are identical (i.e., 12, 12) DNA analyst will abbreviate the profile as a “12”.

You must wonder why McClintock has included this statement? Why does he tell us that DNA analysts will abbreviate profile data? The reason is that he has read Schanfield’s letters, and he knows that some of Schanfield’s statements are just wrong, and anyone claiming to be a DNA expert should have known better. McClintock is attempting to correct one of Schanfield’s many inaccurate statements without drawing direct attention to the mistakes.

Does McClintock confirm the finding of Schanfield?

Harding and Hudson have both claimed that McClintock agrees with Schanfield. They say that McClintock reached the same conclusions as Schanfield. They say that those conclusions are that Soering’s DNA was not detected in the crime scene and that two unidentified males left type AB and type O blood in the crime scene. McClintock said no such thing in his letter. If he does agree with Schanfield then he forgot to put that in his letter to the Governor.

Throughout his letter, not once has McClintock mentioned Soering’s DNA. Not once has he mentioned anything about unidentified males and their blood

types. If McClintock has later embellished his findings in TV interviews or press conferences and now includes these facts, then he needs to re-write his letter and explain why he didn't mention these conclusions when he wrote to the Governor. If one accepts that McClintock does agree with Schanfield then his letter provides no evidence of it. The 1985 serology data doesn't prove the existence of these unidentified men, and the 2009 DNA report doesn't prove anything about blood at all.

Despite what is being claimed, in his letter McClintock doesn't say that none of Soering's DNA was found, and he doesn't say that two unidentified males with type AB and type O blood bled in the crime scene.

Before finishing my comments about the Schanfield and McClintock letters I have to draw attention to two entries on the Soering homepage:

*"On **July 26-29, 2016**, the Department of Forensic Sciences analyst who conducted the 2009 DNA tests, Shelley S. Edler, cross-referenced her DNA test results against the results of the blood typing tests conducted by Mary Jane Burton in 1985. Ms. Edler was able to determine that, of the eleven blood samples that definitively excluded Jens Soering by DNA, only nine could be attributed to the two victims, Derek and Nancy Haysom. The other two could not have been left by either victim, so they must have been left by the killer. But that killer could not have been Jens Soering, since DNA eliminated him as a possible source of those two samples."*

It's easy to see the common theme throughout the Soering homepage, the Harding, and Hudson letters, and the Schanfield and McClintock letters. That theme is to pretend that what was being tested in 2009 was blood samples. Soering and his followers can shout out loud that he is eliminated as a source of blood, but it isn't true. He is not eliminated at all.

*"On **October 27, 2016**, Ms. Edler of the Department of Forensic Sciences conducted further analysis of the eleven blood samples that definitively excluded Jens Soering by DNA. This analysis revealed that, in fact, there were not two, but four blood samples that could not have been left by either victim, nor by Jens Soering. The additional two samples had different genetic profiles and different blood groups, which meant that they were left by two different killers -- not one, as previously thought. So what we now know is that two different men left their blood at the crime scene, and that neither of these men could have been Jens Soering. For more information, please visit the "Pardon" page."*

Yet again, another example of the lie that Soering is eliminated as a source of blood. He is not eliminated. I agree that two different men left their blood at the crime scene, one was Derek Haysom, the other was Soering.

McClintock has been offered up as independent corroboration of Schanfield's findings. This is far from reality. Schanfield may have completed his letters before McClintock became involved, but McClintock became involved because they are well known to each other. They work together, discussed the case together, collaborated together and then McClintock wrote his letter in favour of Soering. At least McClintock retained some credibility by not saying that Soering's DNA wasn't in the crime scene. Neither did he say that two unidentified men bled in the scene.

It's very noticeable that neither of two supposed experts on the science of forensic DNA tried to establish if the victim's blood could be identified. Doing so would allow them to concentrate on blood and DNA traces that are not from the victims (the O type blood traces). An entry on the Soering website says, "*of the eleven blood samples that definitively excluded Jens Soering by DNA, only nine could be attributed to the two victims, Derek and Nancy Haysom*", yet Soering's paid experts didn't identify any of the victims' blood or DNA. Perhaps if Schanfield and McClintock had gone down that route they would find it too difficult to maintain their bogus theory about unidentified assailants.

Throughout my comments on what Schanfield and McClintock have said I've repeatedly talked about contamination of blood traces. Whenever contamination is suggested Soering and his followers are quick to point out that there is no evidence of contamination other than the evidence of a mixture of blood traces on Item 13K.

It's probable that most people who think about the possibility of contamination will only consider a possible mixture of blood. Schanfield has taken great pains to try to persuade his readers that there are no mixtures of blood (except 13K). Some will also consider the possibility of a transfer of skin cells that could be collected along with the blood traces. Schanfield says this is pure speculation. Schanfield is wrong about the mixtures of blood, and he is wrong about the chance of skin cells being present, these are very real possibilities. I've also suggested that the Items may have been contaminated

before or after they were collected, either on the implements used or onto the items themselves. This is also a perfectly valid explanation, but one which I've no doubt Schanfield will say there is no evidence of. So, is there another means of cross contamination between the victims that is evidenced? One which wouldn't register during the serology tests, but one that isn't just a possibility, it's almost a certainty.

I've already said that injuries received by both victims were severe. In fact, they were horrific. There were stabs and slashes which must have been caused by a weapon such as a knife. The throats of both victims were cut to the extent that their heads were almost off. Only the back part of their necks remained intact. Drawing a line from your chin along your jawbone all the way down to the back of your neck, then down to your breastbone, back up to the other side of your neck and then back to where you started at your chin would be a good representation of the victims' cut throats. These cuts were not done in one clean sweep of a blade, the edges of the cuts were jagged and rough. Whoever caused these wounds wouldn't have found them easy to inflict.

The weapon used had to cut through the skin, muscle, veins, arteries and windpipes. These awful wounds were inflicted on both of the victims. How could the weapon not be contaminated? How could the assailant and the assailant's clothing not be contaminated? Would it be possible to inflict these injuries without the weapon coming to contact with bodily cells and the victim's blood? No, it would be impossible for there not to have been microscopic traces of both victims on the weapon and on the assailant, and not just blood. Any minute traces of cells washed off the weapon or assailant by blood as it dripped down would not be detected in any serology tests because they are not blood. But they would be there in the blood drops ready to be collected later, and they would contain DNA.

None of this is speculation. There is cold hard evidence of what happened to Derek and Nancy Haysom, and we also have Soering's account of how he killed them. The evidence is there and as Paul L. Kirk said when he expressed Locard's Principle, *"Only human failure to find it, study and understand it, can diminish its value."*

Shoe prints and socked foot impressions

Amongst the supporters of Soering, the testimony of Hallett is widely denigrated. They say that Hallett was not an expert witness and not qualified to comment on the sock impressions found at the murder scene. Soering now produces affidavits of Russell Johnson and Frederick Webb claiming they are qualified experts.

Over and over I've found that Soering presents facts in a very misleading way. He would have you believe that Sweeney ruled that Hallett was not an expert witness because he was not qualified in forensic science. Soering's supporters then follow his lead without checking if what he says is true.

First of all, Updike was in total agreement with Sweeney on Hallett's status as a witness. There was a specific reason for that. Hallett was qualified as an expert witness in more than one forensic discipline. He had been recognised as an expert on socked foot impressions by previous courts. But Updike argued that there was no database containing thousands of socked foot impressions. There weren't hundreds of previous cases involving foot impressions of socked feet. So, Updike's view was that no one could call themselves an expert in that field. Thirty plus years later, that view is probably still correct now. If Russell Johnson or Webb had given evidence in 1986, or if they give evidence today, they would be no more of an expert on socked foot impressions than Hallett. Despite their expertise on footprints, Sweeney would have ruled that they could not give expert opinion testimony on the sock impressions. Sweeney would only have allowed them to report their observations without giving an opinion.

What Sweeney did allow the jury to see was an image of a footprint from Soering, laid over an image of a socked foot impression from the crime scene. This evidence was produced by Hallett. The jury could see for themselves any similarities and any discrepancies. In his book *Mortal Thoughts*, Soering commented on the comparison of sock impression LR3 and an overlay of one of his own feet. He said, *"The resemblance between the two was remarkable"* Of course, Soering goes on to say that they weren't similar.

Soering's misleading comments don't stop at the qualifications of Hallett. He also tells outright lies about how Hallett was selected:

" - 182 - + The prosecution's last major witness was a certain Mr. Robert Hallett, a retired F.B.I. lab technician who had specialised in tire, belt and shoe impressions. Strangely enough, Commonwealth's Attorney James

Updike chose this man to testify about a subject that lay outside his area of professional expertise:"

Soering had refused to provide his footprints, so Updike had to wait until 1990 to get them. Once Updike had them, he sent the footprints and images of the socked foot impressions to the FBI Laboratory at Quantico, asking the FBI to examine them. Hallett was assigned to the case by FBI supervisors. The decision was not made by Updike, it was something he had no control over. Updike did not choose Hallett. Neither was Hallett "a retired F.B.I. lab technician". He was fully employed at the FBI Lab working as an expert who had met the FBI standards. He was recognised as an expert in more than one discipline and accepted by the courts as an expert witness. This is what Watson said about Hallett in his letter to the Parole Board:

"2. Sock prints--During my career working with the Prince William Police Department, I worked on several cases with Robert Hallett, the Commonwealth's witness who produced the sock print overlay and testified at Soering's trial. Robert Hallett usually does solid work and contributed significantly to investigations of those other cases. However, the sock print overlay produced for Soering's trial is essentially meaningless. Anyone with a foot of that approximate size could have left that sock print at the crime scene."

Watson worked on cases where Hallett was used as an expert witness. Is Watson asking for all of those cases to be reviewed because Hallett wasn't qualified? I doubt it, because Hallett was qualified, and I would hazard a guess that none of those cases involved impressions of feet wearing socks.

Regarding the qualifications of Hallett – Soering says:

"- 183 - + At my trial, however, prosecutor Updike's belt and tire witness, Robert Hallett,...."

"Without any professional training or background Robert Hallett's opinion testimony could only be irrelevant and misleading,..."

"Strangely enough, Commonwealth's Attorney James Updike chose this man to testify about a subject that lay outside his area of professional expertise:"

"examining footprints was merely his hobby."

When comparing the qualifications of all those mentioned by Soering you will find that they're all very similar. Hallett isn't the only "tire and belt witness". Russell Johnson makes the same claim saying, *"This work included*

identification of fingerprints, tire impressions, foot impressions.”. Webb says “I am certified by the FBI as an Expert Examiner of questioned documents, impression evidence, and photographic evidence.”

Rick Johnson, Hallett, Russell Johnson and Webb all have very similar backgrounds. The reason their qualifications are so similar is because forensic science labs structure themselves according to the differing forensic science disciplines. Someone qualified as a questioned document examiner may well also be qualified to examine tire impressions, or tool marks. A forensic examiner who examines tire impressions will also be assigned to cases with shoe impressions. When Soering says that Hallett didn't have any professional training or background it is simply not true.

Here is the truth about Hallett's background history taken from his obituary:

“Entering the Federal Bureau of Investigation in 1968, he served as a special agent and specialized in forensic sciences for documents and impressions. While there, Robert testified in a landmark case for barefoot impressions. He retired from federal service in 1989. After retirement from the FBI, he did private consulting and worked as a forensic scientist for the Commonwealth of Virginia State Police Forensic Lab. He retired from state service in 1999”

Once again, Soering is caught out telling more lies. It is not true when Soering says that examining footprints was a spare time hobby for Hallett.

One other point about Hallett giving expert testimony - I searched the internet looking for cases that Hallett has been involved in. I found the case of Burkett, accused of killing three people on October 24, 2001. In this case Hallett gave testimony that shoeprints at the murder scene were not made by shoes from the defendant's house. He said that a socked foot impression lacked sufficient detail and he could not say it was made by the defendant. This case shows that Hallett gave his expert opinion without bias in favour of the prosecution.

To enforce his arguments Soering has taken three routes. The first route is to denigrate the qualifications of Hallett, then to criticise his testimony, followed by the production of opinions from two “experts” of his own. Regarding the sock impression LR-3, these two experts don't disagree with the findings of Hallett. They agree that mark LR-3 was left by a human foot and that a pattern can be seen which is indicative of a sock. However, they both continue with opinions outside of their expertise commenting on probative values of evidence and what a jury would think. They produce no qualifications in those subjects.

As is always the case in the Haysom and Soering enquiry, one has to be very careful when considering what Soering says now. Things are rarely as portrayed by him. The shoe and sock print evidence are no exceptions.

In relation to shoe marks and footprints, there are four “experts” mentioned in this case. They are Rick Johnson, Robert Hallett, Russell W. Johnson, and Frederick E. Webb. Deputy Baker, who did some enquiries trying to identify the type of shoe that left the shoeprints, is also mentioned by Soering.

Speaking first about Deputy Baker – He went to several shoe stores asking the store managers if they recognised the tread patterns. Opinions on the size of the shoes were also given. Baker’s report was an information report, it was never going to be evidence. If anything in Baker’s report warranted it, then follow up enquiries would have reproduced it in a form that would be accepted as evidence. The opinions of the store managers reported by Baker are only a rough guide and it’s doubtful if any court in the US would accept the store managers’ opinions as expert opinions.

Now let’s think about why Rick Johnson wasn’t called to testify. Rick Johnson made his observations on the shoe and foot impressions long before the prosecution had Soering’s footprints. When Soering finally gave his foot prints the evidence was sent to the FBI Lab. Hallett did the comparison work. From a prosecutor’s point of view there would be little point in Updike calling two expert witnesses to court. Soering says that the defense wanted to ask Ric Johnson some questions but were denied that opportunity because Updike didn’t call him as a witness. Soering’s statement makes it clear that the defense was aware of Rick Johnson at the time of the trial. Why didn’t the defense call Rick Johnson as their witness? Then they could have asked him as many questions as they liked.

What does Russell Johnson say?

In his affidavit Russell Johnson tells us that he worked for 23 years at a Bureau of Criminal Identification, employed to examine fingerprints, tire impressions and footprints. Credentials very similar to Hallett.

“From that day on I became so interested in the Science of Fingerprints I really taught myself and of course I attended police classes on this subject that were taught by the F.B.I.”

Russell Johnson tells us that he was mainly self-taught in the field of fingerprints. He doesn't say how he qualified as an expert on footprints.

"I was resident in the Roanoke area in 1990 and followed the trial of Jens Soering in the local Newspaper... Roanoke Times and World News. I was so outraged by the indication from jurors that a plastic overlay of the defendant's foot placed on top of a sock covered bloody footprint was the crucial piece of "evidence" leading to their verdict, that I wrote a letter to the editor of the Roanoke Times and World News that was published on July 22, 1990, indicating my opinion that such "evidence" was of absolutely no value and would not be accepted by forensics scientific community. I felt, and feel, that an injustice might well have been done because the jury had the misimpression that the overlay "proved" or at least made more likely that Jens Soering had been at the scene of the crime. I wrote this letter entirely as a disinterested professional with considerable knowledge in the field and I had not contact with either of the parties to the trial, the prosecution or the defense."

What Russell Johnson tells us here is that in 1990 he had decided already, based only on news reports, that Hallett was wrong. The supporters of Soering are fond of the phrase "confirmation bias", and here we have a very good example. When Russell Johnson wrote his letter to the Roanoke Times and World News, he had reached his decision and hadn't even seen the evidence.

"Recently, at the request of defense counsel for Jens Soering, I have been contacted and asked to do two things: one, to examine the actual exhibits which were before the jury and secondly, in light of that to reconsider and elaborate on my opinion as to the probative value of such "evidence.""

Finally, in 1995, Russell Johnson got to see the actual evidence and repeated the same conclusion that he reached five years earlier before seeing the evidence. He was also asked to provide an opinion on a subject that he is definitely not qualified for, the probative value of Hallett's testimony. Even if Russell Johnson has a law degree recognised by the State of Virginia (and I don't think he has), it is doubtful that he would have the qualifications and experience equal to that of Judge Sweeney. Any opinions by Russell Johnson on the probative value of evidence are worthless opinions and not expert opinions.

Even though Russell Johnson is no better qualified than Hallett was, and even though Sweeney would have ruled that he was not an expert on socked foot impressions, let's see what Johnson said in his affidavit.

"My original Opinion as expressed in the unsolicited letter to the editor is reconfirmed and, if anything, strengthened by a review of the actual exhibits."

"The most that can be said from such a print is that the person who put it there had a foot with the approximate length of the print. Even this is unclear as the toes and the heel show smearing and movement, making it impossible to get the precise matchup. Any precise measurements (for example between toes or width of ball of foot etc.) are impossible, both because of the poor quality of the print and because the foot was covered (presumably by a sock) which itself could widen the print of the parts of the foot and distort shapes."

"A comparison of LR-3 with known prints of Jens Soering provides no evidence whatsoever that Mr. Soering was at the scene of crime. LR-3 is of such poor quality (you cannot even tell where the toes are or end) that it should never have been used to attempt any identification at all. Certainly it does provide any information that points of Mr. Soering and [sic] the existence of this print does not provide any basis for saying that it is more likely Mr. Soering's print than Ms. Haysom's or anyone of thousands of normal five toed individuals with roughly the same (normal) length of foot."

But Hallett didn't say that the comparison of LR-3 with a footprint from Soering was evidence that Soering was at the crime scene. Hallett testified that he had examined LR-3 to determine if it was a footprint. He determined that the shape of the mark was consistent with a human foot and that he observed a pattern similar to a sock. He was qualified to make those determinations and neither of the two defense counsel raised any objection. He testified that he examined a footprint from Soering, determined that it was a footprint and prepared a transparency of it. Hallett said that he laid the footprint transparency over the image of LR-3. Still there was no challenge from the defense. The jury were then allowed to see the image of LR-3 with the overlay. When Hallett was asked about his examination of Soering's footprint he said he observed a "double impression at the heel". Defense counsel for Soering

immediately objected, saying that Hallett gave an opinion. Updike immediately offered to rephrase his question, and the trial continued.

Conclusions drawn from the affidavit of Russell Johnson

Russell Johnson is no more qualified than Hallett was. In Sweeney's court, he and all the other footprint experts would not have been allowed to testify as an expert witness on socked foot impressions. Johnson had made up his mind to disagree with Hallett five years before seeing the evidence, and he gives an opinion on the probative value of testimony that masquerades as expert opinion when it is not.

Most importantly, Russell Johnson has not said anything that eliminates Soering as the source of the foot impressions.

What does Webb say?

"I was with the Federal Bureau of Investigation for thirty two years as a Special Agent assigned to the FBI Laboratory. I am certified by the FBI as an Expert Examiner of questioned documents, impression evidence, and photographic evidence. I am also a Fellow of the American Academy of Forensic Sciences."

"After my retirement from the FBI I worked for eleven years with the Commonwealth of Virginia as a Forensic Scientist."

Again, the qualifications of Webb are very similar to those of Hallett. I have personal experience of working at the FBI Lab in Quantico, and on a few cases with the very FBI Unit where Hallett worked. Neither Webb nor Hallett were there at the same time as me, but it's almost certain that Webb and Hallett would have worked together in the same Unit at some stage.

It is also worthy of note that Webb states he was "certified" by the FBI. To represent the FBI as an expert, doing examinations and testifying on the results requires certification. The FBI don't allow trainees or other employees in a particular field of forensics to testify as an FBI expert if they are not suitably qualified. Webb was suitably qualified in some forensic disciplines, as was Hallett.

“At the request of Gail S. Marshall, counsel for Mr. Soering, I travelled to Bedford County Courthouse and examined the foot impressions of Jens Soering, Julian Haysom, Elizabeth Haysom, and Fontaine Harris contained in the Clerk's records. Some of these were barefoot impressions and others were sock-covered foot impressions. I examined as well photographs of a footprint on a wooden floor taken from the scene of the crime, LR-3. I also examined the exhibits introduced at trial by Mr. Robert Hallett, including the overlay with red arrows and marks prepared by Mr. Hallett which purports to compare a right footprint of Mr. Soering with the LR-3 impression.”

“LR-3, the right foot impression which has been reported to be made in blood, is smeared and indistinct. It cannot be determined definitively on this impression where the heel begins, therefore no accurate determination can be made of the length of the foot. There are no individual identifying characteristics in LR-3 impression, thus this impression cannot be identified with any particular individual. Characteristics that would be required for such an identification would be dermal ridges, scars, wrinkles, calluses, or deformities in the toes or other elements. This kind of indistinct impression (LR-3) is useful only to possibly eliminate some suspects whose feet would be considerably smaller or considerably larger. Thus, it was possible to eliminate Fontaine Harris due to the fact that her footprint, measured from her known impression, is considerably shorter than the LR-3 impression. LR-3 however does not make it more probable that the print was made by anyone of the other three possibilities or indeed give any reason to choose one of them over any other individual with a print of the same approximate length.”

Nothing in what Webb says above is any different from conclusions reached by Hallett. Webb acknowledges that it is a foot mark with no identifying features. He recognises that LR-3 has some value in eliminating a suspect with larger or smaller feet.

“The Commonwealth's exhibit consisting of a transparent overlay of Jens Soering's barefoot print over a photograph of the smeared, apparently sock-covered print retrieved from the crime scene with Mr. Hallett's red markings is, in my view, quite misleading. Mr. Hallett's red arrows on the Soering overlay in some cases point to areas or features that are not

necessarily present on the LR-3 print below. This is misleading in that the overlay purports to show a precision that simply does not exist. For example, the toes of LR-3 are not distinct as to outline, therefore the red dots and arrows purporting to show their edges and centers are speculative, rough estimates and in fact show no "correspondence" at all. Overall, a false impression of precision and matching "detail" is exhibited by the exhibit which has no basis in fact."

Now Webb has also strayed way beyond his field of expertise and has given an opinion on how he thinks a jury would interpret Hallett's red marks. In doing so he doesn't mention that during Hallett's testimony it was explained to the jury that the red marks were simply notes to Hallett himself. Hallett's testimony to the jury said the following:

"The red arrows that appear on this transparency are mine, I placed them there. They are simply to draw my own attention to points, since this became a worksheet of mine, that I wanted to remember."

Conclusions drawn from the affidavit of Webb

Sweeney would not have allowed Webb to testify to an expert opinion on socked foot impressions. Webb had qualifications almost identical to Hallett. He found nothing to eliminate Soering, pointing out that *"no accurate determination can be made of the length of the foot"*. Webb then goes on to give an opinion on how he thinks a jury would interpret evidence put before them when he is not qualified to do so. When giving his opinion on what juries would think, Webb takes no account of the fact that the jury in this case were told that the red marks on the overlay were of no significance.

Overall conclusions

When Soering talks about the foot mark LR-3 he is talking about a foot impression made by a foot wearing no shoe. He then continues to talk about his own shoe size. These are two different things completely.

Soering says that, *"Until then Bedford County investigators had paid relatively little attention to the two bloody sock prints, designated LR3 and LR5, and the one bloody sneaker print, labelled LR2,"*. In reality, he had no idea what was

going on in the Bedford County investigation. The investigators didn't appraise Soering of their every move. Particularly as Soering was a suspect.

When Soering mentions forensic reports written by Rick Johnson he draws attention to the fact that Rick Johnson estimated that the LR3 impression was left by a man's shoe size 5 to 6, or a woman's size 6 ½ to 7 ½ foot. LR-3 is the socked foot impression, it is not a shoe impression and yet Soering is comparing it to shoe sizes. Sweeney would have also barred Rick Johnson from claiming the status of expert witness on socked footprints, even though he was considered an expert on footprints. Regardless of that fact, I would point out that Rick Johnson was making an estimate comparing two different things. One part of the comparison is a foot impression wearing a sock, the other is a shoe size. That comparison cannot be made because people can wear shoe sizes that are not a good fit, and shoe sizes vary considerably amongst manufacturers.

Soering also points out that Rick Johnson could not eliminate one of the male Haysom siblings from being the source of the mark LR-3. Is Soering now going to suggest that one of Elizabeth Haysom's brothers is guilty of murder? It would also be interesting to find out what size shoe that brother wears. Is it a similar size to shoes worn by Soering?

According to Soering:

"While I do not know exactly what the police did with Elizabeth's ink samples in 1985, it seems clear that they did not compare them to the bloody sock prints."

But one of Soering's champions, Chuck Reid, says the opposite:

"The footprints of Elizabeth came back. It didn't match what we had. It eliminated her; it didn't put her in the house at the time of the homicides".

When we look at all of the evidence on shoeprints and socked foot impressions, we can see that none of the experts, prosecution or defense, have eliminated Soering. The overlay produced by Hallet can be viewed by anyone without hearing any testimony to accompany it and any similarities or discrepancies can be observed. That is exactly what the jury did in the Soering trial.

My own general observations

I'm surprised that none of the experts mention some very obvious points about feet and footwear. A human foot is obviously smaller than a shoe that it will fit into. A person may be able to squeeze into a shoe that is too small, and equally a person can easily wear a shoe that is far too large. But something else that isn't mentioned, is that it is very common to find that shoes from different manufacturers may bear the same size marking and yet be different lengths when compared. Some of my own shoes differ by as much as an inch, depending on their shape and style.

When it comes to human feet, I have no expertise in comparing them. But I can observe my own feet and make observations on photos of feet from the internet. Something that's very obvious straight away is that when a person stands on a hard surface, not all of the overall length of their foot is in contact with the surface they are on. The area of the foot that would leave a footprint is considerably smaller than the length and width of the foot. In my mind, this indicates that if mark LR-3 is approximately 9 ½ inches long, then the foot that made the mark is going to be longer than that, and a good-fitting shoe even longer still. None of the experts seem to consider this, and perhaps they should be asked about it. Below is a photo from the internet showing a human foot. I didn't search out a photo that demonstrates my point - all of the photos I found were similar, and my own feet have the same characteristics.



Note: The lines are added to the photo to demonstrate my point. The black lines are approximations of where the foot is in contact with the surface. If I added lines to show a likely position of a comfortably fitting shoe, those lines would be even further away from the black lines. Adding in an allowance for wearing socks of differing thicknesses would extend this even further.

Hallett, Russell Johnson and Webb all agree that the overall dimensions of the foot that left the mark LR-3 cannot be determined. Therefore, Soering is not eliminated on the basis of his shoe size. Neither do we know that the foot that left mark LR-3 was fully flat on the floor. Even if we assume that the foot was flat with full weight upon it, a human foot leaving a mark approximately 9 ½ inches long on a hard surface will be longer than the mark it left, it will be longer than 9 ½ inches. Add to the 9 ½ inches a small allowance for socks of various thicknesses, then the shoe that would be a good fit for that foot will be longer still.

Soering says he could not have left the mark LR-3 at the crime scene because his shoe size is too large. When discussing LR-3, his shoe size is irrelevant. What should be compared, without any expert opinion, is the transparency of Soering's foot when overlaid onto an image of LR-3. This was done by Hallett and Soering himself says "*The resemblance between the two was remarkable*".

Harding letter:

On June 7, 1985, Rick Johnson, a fully qualified forensic examiner at the (then) Virginia Bureau of Forensic Science, filed a Certificate of Analysis, stating that the bloody sock print LR3 "corresponds to a size 6 ½ to 7 ½ woman's shoe or size 5 to 6 man's shoe." Exhibit 17A. It should be noted that at the time of Johnson's opinion, Soering was not a suspect. Johnson was never called to the stand nor was his finding presented to the jury. Soering's shoe size is much larger. Instead the prosecution called Robert Hallett to testify about the sock print. Hallett had worked at one point as an FBI technician analyzing tire and belt impressions. Footprints were his hobby, and he produced no formal qualifications in this area. No expert was called to refute the representations of Hallett or Updike. Since then, real experts contradict Hallett and specifically exclude Soering from the crime scene based on the so-called sock print." Russell W. Johnson's affidavit in Exhibit 17G provides his credentials and concludes that the "crime scene print matches in size only with Ms. Haysom's print." His final analysis states. "A comparison of LR-3 with the known prints of Jens Soering provides no evidence whatsoever that Mr. Soering was at the scene of the crime." Mr. Johnson came forward after reading a newspaper article. He stated he was outraged by the indication that the jury gave this sock print so much credibility. Likewise, expert Frederick Webb concludes in his affidavit that Hallett's testimony was "quite misleading." Exhibit 17H. Webb adds, "Overall, a false impression of precision and matching 'detail' is exhibited by the exhibit which has no basis in fact." Webb worked 32 years as a Special Agent with the FBI assigned to the FBI Crime Lab. He was an expert in impression evidence and photographic evidence. After retiring from the FBI, he worked 11 years for the

*Commonwealth of Virginia as a forensic impressions scientist testifying as an expert in Virginia courts over 200 times. Exhibit 17H. On June 26, 1995, a member of the Soering Trial Jury, Jake Bibb, supplied a sworn affidavit. In it he states when deliberations began, there was a six-six split on the verdict. He states, "The single most important piece of evidence to me was the overlay of the footprint with the sock print left at the crime scene and the red dots and arrows matching the two. Had it not been for the sock print and the testimony concerning it, I for one would have found it more difficult, if not impossible, to place him at the scene of the crime. Footprints are almost like fingerprints and each person walks a certain way. It was this piece of evidence, presented through Commonwealth's witness, Mr. Hallett, that convinced me that Jens Soering had been present at the scene of the crime." Exhibit 17E. In March 2009 the Virginia Law Review published a landmark study by Brandon Garrett and Peter Neufeld on "Invalid Forensic Science Testimony and Wrongful Convictions." They report that, in the case *State of Idaho v. Charles I. Fain*, Robert B. Hallett testified to a shoe print impression being consistent with Fain's and his very shoe possibly made the impression. He also goes on to say although it was a common type shoe, the wear patterns on the shoe individualized the print. He said the shoe print from the scene and Fain's would indicate that the individual who walked with those shoes has the same walking gait. Shoe print analysis of this type has never been validated. Charles Fain was convicted of the murder, rape and kidnapping of the young Idaho girl in 1982. He was sentenced to death. It was a good thing he was not executed quickly because, after 18 years on death row for a murder he did not commit, DNA exonerated him. He is now a free man trying to get his life back.*

Shoe Impressions in Blood

Trial Transcript

Updike describes to the jury the movements that he speculates that Soering makes as he is attacking the Haysoms. He describes various locations of what appear to be tennis shoe impressions that are made in blood at various locations: "He (Soering) says that he's wearing tennis shoes. He says that he gets up and walks behind Derek Haysom. Well here's one of them right here (shoe impression), not the best one of them." Commonwealth's exhibit 103. "See right there, you can see those ridges. Tennis shoes coming around the head of the table, just like he said. They're the athletic shoes, they've got those ridges, just like shown on this picture over here, of the Converse tennis shoe. In fact, here it is ridges like that. Now we don't know this is the shoe, because he threw the shoe away and we never had one to compare to it. You have got those here and you have got them in the kitchen that we'll speak about in a few

minutes. You have got them in the living room. You have got them on LR-2, the big chunk of floor, one of the big chunks of floor that was cut up. Consistent shoe patterns throughout the house. He states he walks behind Derek Haysom, says he is wearing tennis shoe, later throws them away, well, there are the shoe impressions, comes on around behind him.” Tr. Transcript pg. 68-69.

Findings

Updike does tell the jury that they never had Soering’s shoe to compare to the prints in blood. What he and no expert tells the jury is that Soering was excluded from those tennis shoe prints as having a larger foot/shoe size. There was a Sheriff’s Office report by Deputy C.L. Baker, Exhibit 23, stating the shoe print belonged to a woman or a small man or boy size 6 ½ to 7 ½ . Soering wore a man’s 8 ½. In a letter dated June 18, 1985, from Jim Updike to attorney Thomas Phillips, Mr. Updike writes, “It is my opinion that the attached statement, if made under oath in a proper affidavit form, would provide a sufficient basis for issuance of a search warrant.” Part of what the statement said was, “This affiant also viewed at the scene bloody footprints which measured nine and one-half inches long. Further examination determined that such is consistent with a size six and one-half to seven ½ women’s shoe, and that said Mary (last name crossed out) has been

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observed wearing shoes of this approximate size.”

Discussion on the shoeprint and sock print evidence can’t end without correcting some of the appalling comments made by Harding in his letter to Governor McAuliffe.

“Hallett had worked at one point as an FBI technician analyzing tire and belt impressions. Footprints were his hobby, and he produced no formal qualifications in this area.”

Where did Harding get this information from? He can’t have made enquiries at the FBI Lab. Why didn’t he ask Watson about Hallett? After all, Harding had seen Watson’s letter. The truth is that Harding has accepted the word of Soering, a compulsive liar, and hasn’t taken the time to check if it is the truth.

“Since then, real experts contradict Hallett and specifically exclude Soering from the crime scene based on the so-called sock print.”

The first thing wrong with this statement from Harding is that the “real experts” that Harding refers to are no better qualified than Hallett, and Judge Sweeney would not have allowed them to give expert opinion on sock prints.

Despite what Harding says, the “real experts” are not experts when it comes to sock prints. But what is really disturbing is that Harding tells the Governor that the *“real experts contradict Hallett and specifically exclude Soering from the crime scene based on the so-called sock print”*. Neither Russell Johnson, nor Webb state any such thing. Harding has made this up. Russell Johnson says that the sock prints provide no evidence to put Soering in the crime scene, but he does not exclude him. Webb is in general agreement with Johnson and he doesn't exclude Soering either. This isn't the only example in Harding's letters of him making changes when quoting evidence. He did the same thing in his comments about the DFS DNA report, inserting a quotation that didn't exist. The willingness of Harding to make slight changes to evidence raises serious questions regarding his trustworthiness.

“In March 2009 the Virginia Law Review published a landmark study by Brandon Garrett and Peter Neufeld on “Invalid Forensic Science Testimony and Wrongful Convictions.” They report that, in the case State of Idaho v. Charles I. Fain, Robert B. Hallett testified to a shoe print impression being consistent with Fain's and his very shoe possibly made the impression. He also goes on to say although it was a common type shoe, the wear patterns on the shoe individualized the print. He said the shoe print from the scene and Fain's would indicate that the individual who walked with those shoes has the same walking gait. Shoe print analysis of this type has never been validated. Charles Fain was convicted of the murder, rape and kidnapping of the young Idaho girl in 1982. He was sentenced to death. It was a good thing he was not executed quickly because, after 18 years on death row for a murder he did not commit, DNA exonerated him. He is now a free man trying to get his life back.”

The way that the case of State of Idaho v. Charles I. Fain is presented by Harding makes it appear that it's an example of a wrongful conviction resulting from Hallett's testimony. He makes it look like an innocent man would have been executed because of Hallett. But when the reasons for quashing Fain's conviction are examined there is no mention of Hallett. The conviction of Fain was quashed because the jury had been told that pubic hairs found on the victim could be Fain's, and later DNA tests showed that they were not. The Attorney General for Idaho made it clear that Fain was not exonerated. He said:

“It is important to the interests of justice that there be no misunderstanding as to the meaning of this announcement. DNA testing was not available at the time of Fain's trial and conviction. It is available today and, appropriately, has been used in this case. While this new

evidence does show the need for further review, it would be wrong to say that it proves Fain's innocence. The DNA testing proves only one thing. It proves that the pubic hairs found on the victim's clothing did not belong to Charles Fain. That fact in itself does not mean that Fain did not commit these crimes. This evidence does not exonerate Mr. Fain."

It would seem that Harding has either read the study by Garrett and Neufeld but not bothered to read about the Fain case, or he read the study and the Fain case but decided not to mention the reasons why Fain was released. Either way, it's an indication that not only should Soering's claims be checked, so should Harding's.

I'll repeat what Soering said about his own footprint and the one from the crime scene:

"The resemblance between the two was remarkable".

Forensic use of luminol

The purpose of using luminol at a crime scene is as a presumptive test that will guide the scene examiners to locations where samples can be taken that may confirm whether blood is actually present. In addition to identifying that blood might be present at a location, it's also a useful means to establish blood spatter patterns where blood is known or suspected to have been present.

When luminol is used forensically, there will either be a positive result or a negative result. A reaction will be observed, or it won't. A positive result, where a reaction is observed, indicates that blood might be present. A negative result, where no reaction is observed, indicates that it's not known if blood is present or not.

Forensic experts know that there are many substances that react to luminol giving a positive result even if no blood is present. For an examiner to assume that blood is present when a reaction is observed is incorrect. If the reaction has been caused by a substance other than blood, it's called a "false positive" result. Conversely, if no reaction is observed, it could indicate that no blood is present, or blood could be present but the luminol didn't react to it. This is known as a "false negative" result. When an examiner observes a positive reaction to the luminol, the examiner should then take swabs to submit for further testing. It is not usually practical to take swabs and samples when there has been no noticeable reaction to luminol. But that should not deter the examiner from taking swabs from confined areas where blood might be expected to be found, such as in a car. In the Haysom case there is an example of a "false positive" reaction to luminol. Item 23DR was a knife taken from the dining room table drawer because a luminol reaction was observed. The Lab test results for Item 23DR stated that "no evidence of blood was found" on the knife.

Luminol solution used at a crime scene should be correctly mixed according to the recipe instructions supplied. I've assumed that the luminol used in the Haysom crime scene was correctly mixed. Reactions were noted suggesting that the luminol ingredients were mixed correctly, although probably not by Reid, who examined the car.

During interviews of Soering he said that he hit a dog with the rental car. If so, there was a possibility that there could have been human blood, or blood from the dog on or in the car.

The lighting conditions are an important factor when using luminol solution, because the scene examiner is looking for a luminescence that will be difficult to see in daylight or bright conditions. The reaction to luminol may be observable for less than 30 seconds; subsequent luminol treatments may show a further reaction.

In the Haysom murder case it was Reid who carried out luminol tests on the rental car. I don't know what the lighting conditions were when the car was examined. Reid was normally based in Bedford, and the rental car company was based near Charlottesville, over an hour from Bedford. I believe it was April when Reid examined the car, and I know that in April, during normal office hours it would be daylight. Reid should be asked if he examined the car outside, and if he examined it in daylight. If he examined the car inside, he should be asked what the lighting conditions were, and if he had any kind of eyewear that would help detect any faint reactions to the luminol.

I can think of eight possibilities that cover the examination of the rental car. It could be said that there's no point in considering these possibilities at all, because no forensic samples or swabs were ever taken from the car. And that is absolutely true. We will never know whether blood was present in the car because the car wasn't properly examined. Without a noticeable reaction to the presumptive luminol tests, swabs should have been taken from locations on and in the car where one might expect blood traces could be found. That was not done. Nevertheless, the following aspect should be considered:

1. There was no blood on the outside of the car.
2. There was no blood inside the car.
3. There was blood on the outside of the car and the luminol did react to it, but the reaction was not observed.
4. There was blood inside the car and the luminol did react to it, but the reaction was not observed.
5. There was blood on the outside of the car, but the luminol did not react to it.
6. There was blood inside the car, but the luminol did not react to it.
7. There was blood in the car, and it was removed from the car before it was examined.
8. There was blood on or in the car that was cleaned away sufficiently as to prevent a luminol reaction being observed.

Option 1 - There was no blood on the outside of the car

There is no way to establish whether there was blood, from humans or from a dog, on the outside of the car. Because according to Hudson, Reid didn't examine the car properly. No swabs were taken from inside or outside of the car. There is no evidence that he even looked at the door handles. In the absence of any indication from the luminol of where to take swabs, Reid should have taken swabs from any areas inside or outside the car where one might expect to find blood.

Option 2 – There was no blood inside the car

Exactly as above, this cannot be established because Reid didn't examine the car properly.

Option 3 - There was blood on the outside of the car, the luminol did react to it but the reaction was not observed

This cannot be established because Reid didn't examine the car properly. He has not said that he used luminol on the outside of the car, but in any event, he didn't take swabs from anywhere. Had he taken swabs from the outside of the car (for example, from door handles), then perhaps laboratory tests would have detected blood. Perhaps, if he had taken swabs and they had been available in 2009, human or dog DNA may have been found.

Option 4 - There was blood inside the car and the luminol did react to it, but the reaction was not observed

As before, we will never know if blood was present or not because no swabs were taken. Reid did not see any reaction to the luminol tests. That may mean there was no reaction. It may also mean there was a reaction, strong or weak, and it couldn't be seen due to the lighting conditions. Or that there was a reaction, but Reid simply failed to see it. We will never know which. All we do know is that Reid didn't observe any reaction to the luminol and therefore he didn't examine the car any further. If no reaction to luminol is observed, that does not mean that blood is not present.

Option 5 - There was blood on the outside of the car, but the luminol did not react to it

Reid didn't use luminol on the outside of the car or take any swabs from the outside of the car. As a result, once again, we will never know whether blood was present on the outside of the car or not.

Option 6 - There was blood inside the car, but no reaction to luminol was observed

This option is no different from the others in that we will never know the answer because the car was not examined properly. Swabs should have been taken and they weren't. No observable reaction to luminol is not a guarantee that there is no blood present. Assuming that lighting conditions were suitable, and that Reid was paying attention to what he was doing, it is known that there are substances that mask the chemifluorescence of luminol. Blood can be present and that can be hidden from luminol. Luminol can give "false negatives" as well as "false positives".

Option 7 - There was blood in the car, and it was removed before the car was examined

It is well known that the Haysoms bled profusely in the crime scene. It's very likely that blood from the victims would be deposited on the assailant/s. When Soering confessed to murdering the Haysoms, he said that he threw away some of his blood-stained clothing, and that he cleaned himself up. So, most of the victim's blood on him would be washed away or thrown away with his clothing. Blood from the victims could be transferred to the rental car by the assailant/s, but it would be likely to be in small amounts. Soering also said that his fingers had been injured and were bleeding. There is no evidence that the victims' bleeding bodies were removed from the house, so if the rental car was used then any blood in the car would more likely be from the assailant/s. If a dog was hit by the car, as Soering said, then blood from the dog could also be present. Soering said that he made a makeshift bandage for his hand, and that when he drove back to Washington DC, he used some bedding from Loose Chippings to cover himself. This sheet would be likely to soak up blood. If Soering was driving for around three hours any wounds wrapped with a makeshift bandage would gradually stop bleeding. Haysom said that she saw Soering wrapped in a sheet and she saw blood. The sheet was later disposed of. Most likely, the majority, if not all of it, was removed from the car when the

sheet was removed. This is yet another possibility explaining why no reaction to luminol was observed in the car.

Option 8 - There was blood on or in the car, but it was cleaned away sufficiently as to prevent a luminol reaction being observed

Elizabeth Haysom said that she was told by Soering to clean blood from the rental car. She said that he told her to clean the car with coca cola.

The fact that no reaction to luminol was observed when the rental car was examined is commented on by Hudson in his letter to the Governor, dated September 12, 2017. The information he gives to the Governor is misleading. He asserts that if there is no observable reaction to luminol then blood cannot be present. Do not believe this, it is incorrect. Hudson doesn't seem to understand that luminol tests are presumptive tests meant to indicate that blood might be present. Luminol does not indicate that blood, and only blood, is reacting with it. Neither does a lack of an observable reaction mean there is no blood or other substance present capable of causing a reaction. Furthermore, Hudson hasn't taken into account that there may have been reactions to the luminol that Reid didn't observe, either due to lighting conditions or even a simple lack of diligence.

Hudson did realise that the whole of the car should have been examined thoroughly. In fact, not only should the whole car have been examined, in addition, samples should have been taken from it even though no luminol reaction was noticed. According to Hudson, Reid blames his supervisor for that.

*Hudson letter – “When Elizabeth described Jens covered in blood wrapped in a sheet, the Bedford supervisory staff at Bedford Sheriff's Office sends Investigator Chuck Reid to luminol the car with instructions only to inspect the drivers area of the vehicle: seat, steering, floor, other controls. Reid luminols the area of the vehicle he was instructed to examine and finds absolutely no evidence of blood staining or residue. **Chuck Reid acknowledges the entire car should have been examined using the luminol technique but he was following directions from his supervisor.** Every other time luminol was employed at the crime scene to determine blood staining or residue it was successful, both outside the Haysom house and also in the shower in the bathroom.”*

When Harding talks about Reid examining the rental car, he gives him the title of "*Bedford County Senior Investigator Chuck Reid*". Reid did not hold that position within the Sheriff's Office. Reid himself doesn't claim he was the senior investigator, And, if he was, why didn't he use his position and initiative to insist that the rental car be examined properly. Harding has promoted Reid to "Bedford County Senior Investigator" simply to make it appear that Gardner held a subordinate position.

Hudson says that every other time luminol was used in the Haysom case it was successful. That's not true. There was a reaction to luminol on a knife, Item 23DR, but no blood was found on it. This is an example of a "false positive" result. I also doubt that Reid prepared the luminol mixture at the crime scene. It's not a reasonable comparison to say that luminol in the crime scene was successful therefore it must be reliable when used in the rental car. The circumstances and conditions were different. There is also no way of knowing how successful the luminol testing was in the crime scene. There was at least one false positive result on Item 23DR, but false negative results cannot be seen.

Hudson says it is "impossible" to remove blood using coca cola and then suggests that "folks" from Bedford are easily fooled.

"When Elizabeth was asked about the blood in the car, she said that Jens told her to clean it with Coca Cola. Impossible, but the Bedford folks bought it (there were no cola stains found by the woman who inspected the rented car upon its return)"

Hudson is not a scientist, but there are scientists who have done experiments to find out if there are substances that can mask the luminol reaction to blood. False positive results are well documented, listing horse radish and many other common substances as causing a reaction. One experiment, published on the internet, found that common soda can make the luminol reaction unobservable, causing a "false negative" result.

The whole experiment is too lengthy to reproduce here but it can be found on the internet. The introduction and conclusions drawn from the experiment are as follows:

Graduation project by Henk Nieweg: The forensic use of Chemiluminescence and Luminol, or, how to deceive Gilbert Grissom.

2.5 Boundaries of luminol

While luminol is in most situations an asset to a crime scene investigator, there are some drawbacks that can render it relatively useless. If not used correctly, it can detect traces of blood, but it can also destroy DNA. If that happens, one has found blood that is not in any way usable as evidence. Another problem is that **luminol doesn't use blood and only blood as a catalyst. It can also utilize anything that has iron ions, such as copper or a number of other metals.**

This feature may make it difficult to use luminol to detect blood on metal surfaces. Due to this cross contamination, scientists have to resort to other ways to detect blood evidence at some crime scenes.

6.2 Conclusion

Is it possible to hide blood evidence from luminol and if so, what is the best and most efficient way to accomplish this?

The question above was the main research question, and we now have an answer.

Yes. It is easily achieved to hide blood evidence from luminol. All three theories tested have shown to be effective, but the **soda solution** has clear advantages above the others.

This was the best and most efficient way to cover up blood evidence. It is easily acquired at any supermarket, prepared and is usable on almost every surface, unlike bleach. **So, next time one finds oneself in the sudden need to deceive a forensic scientist, soda is definitely the way to go.**

Is there anything in coca cola similar to soda? The full name for "soda" is sodium carbonate (Na_2CO_3). Coca cola contains E952 (sodium cyclamate) and E211 (sodium benzoate). Perhaps what Haysom said is not so far-fetched after all. There are lots of other chemicals in coca cola too. Coca cola is known to have a cleaning effect. A dirty coin dropped into coca cola will come out much cleaner. Of course, all of this would be more relevant if Reid had examined the car properly, or if we knew for sure that he prepared the luminol correctly.

Another point mentioned by Hudson that should prompt questions is when he says the car was examined. According to the Hudson letter the car was examined after Haysom made her statements describing Soering's condition when he picked her up outside a cinema. If the car was examined after Haysom's description, it's an important factor. The car was returned to National Car Rental on 31 March 1985. Haysom's description of Soering was

taken on 8 June 1986, 434 days later. The car would have been rented out, returned and cleaned many, many times during that period. As far as I'm aware, the car was examined in April 1985, over a year before Haysom said she saw blood. I assume that Hudson, or Reid, or both of them have made a mistake about when the car was examined. Even if the car was examined in April 1985, it's likely to have been cleaned, rented out and cleaned again several times before Reid examined it.

It's probably clear by now that we will never know if there was blood in the rental car because no substantive tests were ever done. As said already, luminol reacts with many substances. That's why it's only a presumptive test that may or may not indicate the presence of blood. If there is a noticeable reaction, then further tests must be done to establish if the reaction has been caused by the presence of blood. When the rental car was tested with luminol and there was no reaction, swabs/samples should have been taken in any event. Samples from the car may have confirmed the presence of blood. The lack of any noticeable reaction would not confirm the absence of blood.

Conclusion

Because the car was never examined thoroughly it's not possible to say whether human or dog blood was present on or in the rental car. The statements made by Haysom describing Soering wrapped in some bedding material, with a large quantity of blood thereon, are not disproved by the examination carried out on the rental car.

Hudson isn't the only Charlottesville law officer who doesn't know much about the use of luminol. When Harding tells the Governor that "*... the absence of luminol reaction proves that no blood was removed from the car, ...*" he couldn't be more incorrect. Harding should know that luminol testing is only a presumptive test and it is not proof that blood is or is not present. No reaction to luminol tests done in the rental car in this case can indicate several possibilities:

1. There was no blood in the car.
2. Reid didn't prepare the luminol mixture properly.
3. Reid may not have noticed a reaction.
4. The lighting conditions may have made the reaction difficult to observe.

5. Reid didn't spray luminol on areas where blood was present.
6. Blood could have been removed from the car with the bedding material.
7. Cleaning the blood with coca cola may have masked a reaction to the luminol.
8. Blood was removed by cleaning done by Haysom, and by staff at the car rental company before the car was examined.

Harding also tells the Governor, *“Every homicide investigation of which I have been involved and where the defendant has attempted to remove any form of blood evidence from a vehicle, whether using a cleaning agent or not, luminal still led us to blood. Haysom’s lie is more revealing than most because the science is so crystal clear that traces of blood would surely have been discovered, but none was.”*

He says that Haysom must have lied. Perhaps Harding should be asked to write down a list of all of the homicide cases he’s been involved in where a defendant has attempted to remove blood from inside a vehicle. I think it would be a very short list. In fact, I doubt that Harding would be able to name one case. Harding also says that, *“the science is so crystal clear that traces of blood would surely have been discovered, but none was.”* The use of luminol in forensic science is not “crystal clear” proof of the presence or absence of blood.

To recap, the superficial luminol testing of the rental car does not prove that blood was present or not present.

Diplomatic Immunity

Central to claims made by Soering that he falsely confessed to a double homicide, is that he says he thought he had some degree of 'diplomatic immunity', extended to him from his father's position as a Vice Consul. His father worked for the government of the Federal Republic of Germany at the German Consulate General in Detroit, Michigan.

Before continuing, it should be considered that any diplomatic immunity that Soering thought he had, would be important to him in more than one scenario. If Soering did commit the homicides and was arrested, he could claim diplomatic immunity. If he did not commit the murders, but wanted to confess to protect Haysom, he could confess and again claim diplomatic immunity. Both scenarios rely on him making that claim when he is arrested. He did not do that.

In an e-book written by Soering, around 1995, entitled 'Mortal Thoughts' Soering states:

*"I do not think about options or morality or legal consequences, I do not think about the victims or their killer or myself, I can bring myself to think about only one question: how do I stop them from frying Liz? Sending her off to go on the run by herself is impossible. Elizabeth's passport is at Loose Chippings, and she is in no condition to travel anyway. How do I stop them from frying Liz? How do I stop them? How? And then, somehow, I have my brilliant idea. I did it! Whenever the police arrest us -- and that's got to be soon -- I'll just tell them that I did it! You are the accomplice, not me. We'll switch roles! Heck, it's been done before: think about Sidney Carton in Charles Dickens' "A Tale Of Two Cities," or those Los Angeles street gangs you see on TV. I've heard it's part of their initiation ritual for underage kids to take the rap for older gang members, because minors get less time. If those guys can make it work, so can we! You'll be out after a few years, everyone will feel sorry for you. And you won't have to go to the electric chair. **And me, I'll get diplomatic immunity, at least partially. I'm a diplomat's son, right? I've got a German diplomatic passport with a U.S. diplomatic visa. They'll arrest me and ship me back to Germany and put me on trial there. That's what they did with the Japanese Consul General in Atlanta during my senior year of high school, when he was caught for drunk driving or hit-and-run: they just shipped him back to Japan. Of***

course they'll have to put me on trial for the murders once I get to Germany, because there's no more full diplomatic immunity. But eighteen-year-olds like me can't get more than ten years under German law, I read that in the newspaper. They'll let me out on parole after five. We'll probably get out at the same time! It'll work! It'll work! The police will believe me because only guilty people confess to murder. And the police will believe you because only guilty people confess to arranging an alibi for the killer of their parents. It'll work"

(Spelling and grammar errors in the quotation are not mine. Bold print was added by me)

Before going any further, take notice of Soering's claim - "I've got a German diplomatic passport with a U.S. diplomatic visa."

Diplomatic immunity does not extend to spouses and children of diplomats. Soering would not be issued with a full diplomatic passport.

Perhaps the West German government does issue some sort of official passport to the families of their diplomatic representatives. If they do, they are unlikely to represent any type of immunity against any crimes committed in foreign countries. Especially crimes as serious as murder. They most likely allow the passport holder to pass through an airport a little quicker than most. Soering may have had some sort of official passport because he mentions it in the "joint diary" written by Haysom and Soering. He wrote that he went to Amsterdam to commit fraud, got frightened and ran away leaving his "diplomatic passport" behind.

On April 30, 1986 Soering was arrested for fraud offences in the UK. He gave the name of Christopher Platt Noe and produced identification in that name. This was of course a lie. Later that evening his address was searched, and his genuine Soering passport was discovered. The passport was recorded on Custody Record 803 as follows:

"ONE (1) GERMAN PASSPORT IN NAME OF JENS SORING IN CANVAS WALLET"

This passport was not a diplomatic passport, although it is possible that it had a US visa stamped within it for ease of travelling when with his father. If the passport we recovered had been a diplomatic passport it would have been

recorded as such and the German Embassy in London would have been contacted.

In his e-Book 'Mortal Thoughts' Soering is saying that as far back as the weekend of the murders he considered that he had some degree of immunity. He says he knew enough to distinguish between full immunity and partial immunity. He indicates that he had at least some knowledge of legal issues and jurisdictions of where he could be tried, and what sentences he might receive. He had *"read that in the newspaper"*.

His claim that he believed he had diplomatic immunity in the US is the foundation on which he has built his current version of events. Soering now says his mistaken belief is the reason why he was prepared to admit to the murders. He says he confessed thinking it was safe to do so because of this mistaken belief. Bearing in mind that Soering says that his idea to confess, to save Haysom from being executed, was formed during the night of March 31, 1985, then his mistaken belief had to have stayed in his mind until at least December 31, 1986. A period of about 21 months. December 31, 1986 is the date that Soering was interviewed by a German Prosecutor, in the presence of a German defense counsel, and he again confessed to the murders in detail. Did he still think he still had some immunity? He had been in custody for months, and he also knew that Haysom intended to plead guilty to 1st Degree Murder charges. Why hadn't he ever asked anyone about his diplomatic status?

Does the evidence support or refute Soering's claim that he thought he had diplomatic immunity?

During 1985 Soering was a student at the University of Virginia (UVA) having been awarded two elite scholarships. Both Haysom and Soering say that after the weekend of the murders they went back to UVA in Charlottesville. Between the date of the murders, and when they left the USA to avoid arrest in October 1985, Soering spent some time with his parents, and, he also spent some time travelling with Haysom in Germany. According to Soering, at that time he had already decided that if necessary, he was going to falsely confess to murder. And yet, from the night of the murders through to October 1985, he did not take the time to confirm that he had any immunity. He had access

to excellent library facilities at UVA and probably in Michigan too. He also spent time with his father, who he could have simply asked without arousing suspicion.

It could be argued that Soering thought he had immunity and therefore did not need to look it up. But that goes against his character. He has demonstrated repeatedly that he would research anything and everything he thought was of interest, or a necessity. When Soering was first arrested in the UK, he had in his possession many, many files, folders, newspaper cuttings and rough notes, in his handwriting, on how to make home-made bombs, explosives, plastic guns to defeat airport security, kidnapping and hostage negotiations, and electronic surveillance. In letters to his UK solicitors he writes about his handwritten notes on making pipe bombs saying that he hadn't intended to blow anyone up and had not yet worked out how to profit from making bombs. There is no doubt that it is in his nature to research anything he has an interest in.

As the summer of 1985 progressed, homicide investigators from Bedford County Sheriff's Office began to query the rental car mileage used by Haysom and Soering. They wanted Soering to provide them with samples of physical evidence. On October 6, 1985 Soering was interviewed in Bedford. He told the officers that he did not want to co-operate with them because he was worried that if the US State Department found out that he was a suspect in a murder investigation he and his family would be kicked out of the country. He made no claims that he need not supply footprints, fingerprints and blood because he had diplomatic immunity.

After he left the US, according to him, he knew there was always a chance that he might be arrested. Soering went into several Embassies in various countries, including German Embassies. He could have researched diplomatic immunity, or he could have asked at the Embassies if he had any immunity in the US.

On June 5, 1986 at Richmond Magistrates Court, Soering became aware that he was about to be questioned about the Haysom murders. He spoke with his solicitor before and after the court proceedings and he later spoke to the German Embassy staff. Yet he did not claim any diplomatic immunity from questioning. It could be argued that his plan was to confess, and therefore he did not want to claim immunity at that time. Or, that his diplomatic status in the US would not apply in the UK. But neither of these arguments would

prevent him from asking what his diplomatic status was in relation to him being questioned in the UK by a US law enforcement officer.

During interviews with officers Soering said that if he was returned to the US, they, (the authorities in Virginia) would 'plug him into the wall'. On several occasions he said that he feared the death penalty in Virginia. He reiterated his fears to the German Prosecutor in December 1986. He showed no signs that he thought he had any immunity at all. It appears that over the six months period that Soering was interviewed in the UK he had not yet thought about diplomatic immunity. He clearly thought that the death penalty was a possibility. This is confirmed by his lengthy legal battle in the European courts where he argued against extradition on the basis that it was inhumane for a person to be kept on 'death row'.

You must ask yourself the following question. If Soering really believed he had diplomatic immunity and could not be prosecuted in America for the murders, why did he fear the death penalty in Virginia? According to his writings around 1995:

"I'll get diplomatic immunity, at least partially. I'm a diplomat's son, right? I've got a German diplomatic passport with a U.S. diplomatic visa. They'll arrest me and ship me back to Germany and put me on trial there."

After admitting the murders of Derek and Nancy Haysom, Haysom and Soering were remanded into the custody of HM Prison Service. They continued to correspond by letter sporadically until Haysom was extradited back to the US. No evidence can be found in any letters indicating that diplomatic immunity was ever mentioned. He did talk about the influence his family might have in certain circles, to help him get out of his predicament, but he never once alluded to any immunity.

You are being asked to accept that on March 31, 1985, the night of the murders, Soering mistakenly thought he had diplomatic immunity. You are being asked to accept that over the following seven or eight months before Soering left the US, he did not research his diplomatic status, or simply ask his father, or ask at a German Embassy or Consulate about it. You are also being asked to accept that during his travels outside the US up until his arrest on March 31, 1986, he still didn't research diplomatic immunity, even though he visited libraries and German Embassies. And yet, throughout these months, he

thought he could be arrested at any time for the murders. And, you are being asked to believe that he thought he had immunity, but after his arrest he did not mention it to his solicitor at court, when on remand, or at any time during his legal proceedings over the next four years.

When Soering was 'booked in' at Richmond Police Station on June 5, 1986, he was searched, and a torn letter was found in his pocket. During interviews Soering said that it was a note he had written to pass to Haysom at court. When he realised at court that he was about to be questioned about the Haysom murders he tore the letter up. As you can see in the quotation above from the book written by Soering around 1995, he says that on March 31, 1985, he knew the sentence he could expect to get in Germany. He even says he would be on out parole after five years.

"But eighteen-year-olds like me can't get more than ten years under German law, I read that in the newspaper. They'll let me out on parole after five."

And yet, in the torn letter of June 5, 1986, he writes to Haysom telling her about German sentencing. He tells her that he cannot be returned to the US due to his nationality and that it is a "...permanent legal impossibility". This letter is clearly the first time he has mentioned German prison sentences to Haysom, and he says:

"...even if the ab----- worst happened in Germany, it is only a matter of 3 – 4, if you can believe it,". He goes on to say that he got this information from a *"very useful new friend [German], with personal experience, the relevant education, and very good legal-aid solicitors....."*

He is of course referring to Mathias Schroeder. In interviews with police he acknowledged that he wrote this note and he also supplied the officers with Schroeder's name. He explained during interviews that when he said that he could not be returned to the US, he meant that he could not be deported to the US because he was a German citizen. He then realised that although he could not be deported to the US, he could be extradited there. Again, no suggestion of any diplomatic immunity anywhere.

Three observations are made from what Soering wrote in that torn note:

1. His current explanation as to why he admitted the murders in 1986 does not appear to be true. He did not think he had diplomatic immunity in

the US and on March 31, 1985, he was not aware of German prison sentences, and did not learn of that possibility until he met Schroeder in Ashford prison over a year later.

2. This letter, and subsequent comments made by Soering in interviews, corroborates what Mathias Schroeder has said. It was Schroeder who gave the idea to Soering that he could be sent to Germany and tried there for the murders.
3. Here is yet another opportunity for Soering to enquire about his diplomatic status in the US without arousing suspicion, by getting Schroeder to enquire for him through his *“very good legal-aid solicitors”*. (Legal-aid solicitors broadly equate to a court appointed defense lawyer).

When Soering was arrested for frauds committed in the UK he was represented by Keith Barker, a solicitor. There is no evidence that he asked his solicitor about diplomatic immunity. Even though any immunity he may have had in the US would not be likely to extend to the UK, it was still a perfect opportunity to ask his solicitor about it.

On June 5, 1986, at court Soering became aware that he was to be questioned about the murders. He spoke privately with his solicitor before, and after going into court. He still did not claim that he had diplomatic immunity in the US, or even enquire about it.

Despite knowing that he was to be questioned, when he spoke to his solicitor by telephone from the police station at 4.30pm of June 5, again he did not mention, nor ask, anything about being exempt from prosecution in the US. That same day at 7.45pm, and again on June 6, 1986 at 10.05am, 11.00am and 12.40pm, Soering spoke by telephone to staff at the German Embassy in London. Again, he did not mention, nor enquire about diplomatic immunity.

Conversations between the staff at the German Embassy and Soering were in the German language. He could now argue that in those conversations he did speak to them about diplomatic immunity in the US. But if that were true, then surely it would have been mentioned at some stage over the next four or so years before his trial in 1990. Surely, it would have been mentioned at some time over the last thirty plus years. It has not.

Between June 5, 1986 and June 8, 1986, Soering was questioned by Gardner, Beever and me about the murders of Derek and Nancy Haysom. During these interviews Soering asked many questions about what constituted capital murder, 1st degree murder, 2nd degree murder and manslaughter. He asked about sentencing in the US, and he told us about sentencing in Germany. He asked how the circumstances at the crime scene could affect the sentence he could expect to get. He also told us that he had met a fellow German (Schroeder) in Ashford Prison who had advised him about prison sentences in Germany. Not once did he ever suggest that he was entitled to any kind of immunity from prosecution in the US.

On December 31, 1986, Soering was interviewed by a German Public Prosecutor. By then he already knew that Elizabeth Haysom was going to plead guilty. Just before the interview began the MPS Extradition Squad officers allowed Soering to consult privately with his German defense counsel. This appears to be the best opportunity of all for Soering to establish whether he had diplomatic immunity. At that time, he knew he had already confessed to killing the Haysom's, he knew the US authorities wanted to extradite him to the US, and he knew that Haysom was going to return to the US and plead guilty to two counts of 1st degree murder (these were the charges on her indictments at that time. Indictment dated June 13, 1986). Surely, he would now ask the German defense counsel, the German Prosecutor or both, about diplomatic immunity? But he did not. He went on to confess in detail to murdering Derek and Nancy Haysom.

Whilst on remand, between June 1986 and December 1986, and again later during legal proceedings at the European Commission and the European Court of Human Rights, Soering was assessed by several psychiatrists. None of these psychiatrists have ever said that Soering mentioned anything about diplomatic immunity. He could argue that he did mention it to the psychiatrists, and that they did not mention it because it was not relevant to their diagnosis. But over the last thirty plus years Soering has never said that he told the psychiatrists about his mistaken belief that he had some immunity from prosecution in the US. He has never produced any evidence that he mentioned immunity at all.

Over the next four years in the UK, prison remand visits from German government officials were a regular occurrence, as were legal visits from various solicitors and lawyers fighting Soering's extradition. His case became a 'landmark' case in international law after legal rulings in the European Court of

Human Rights (ECHR). Nowhere in the four years long legal proceedings did Soering ever mention diplomatic immunity. When fighting a legal battle to prevent extradition, his grounds were that he could be sentenced to death in Virginia, a belief that he had diplomatic immunity would have been an immensely important factor.

The West German government was represented at the ECHR hearings. Represented by very capable lawyers well-versed in international law. If Soering had ever mentioned that he thought he had diplomatic immunity in the US, those lawyers would certainly have used this in their legal arguments. They never mentioned diplomatic immunity.

Although it should be treated with caution, the version of events given by Haysom should not be completely disregarded. Haysom initially said that when Soering left her in Washington DC and drove away saying he was going to her parents' house; she did not know he was about to kill the Haysom's. When confronted with the fact that she had provided an alibi for Soering she then admitted knowing what he was about to do. Haysom did not mention anything about the diplomatic status of Soering. She didn't say that although Soering had killed her parents, he could not be prosecuted. Of course, Soering could argue that she deliberately did not mention it, or that she was not aware of it. But there is no advantage for her in not mentioning it. He says his "brilliant idea", formed on the night of the murders, was to claim diplomatic immunity and be extradited to Germany. Either of them could have raised this issue without any negative effect on their situation at all.

Throughout the questioning of Soering in June 1986, he refused to answer any questions about the weapon/s he used to kill the Haysom's. He again refused to answer any questions about weapons when the German Prosecutor spoke to him in December 1986. In June and December 1986, Soering said that these questions touched on the issue of premeditation. He didn't want to say he had taken a weapon with him because it would imply an intent to use the weapon, and until he inflicted the first wound, he had not yet definitely made up his mind to kill the Haysom's. Why would intent to use the weapon concern him? If he made false confessions in the belief that he had diplomatic immunity, then he believed he could not be prosecuted. Intent and premeditation would not be issues to concern him if he thought he was immune from prosecution in the first place.

As a final consideration, look at where Soering travelled to, after he left the US. He says he thought he had some immunity in the US that would result in him being sent to Germany. And, that if he was tried for the murders in Germany, he would receive a sentence of no more than ten years. Then why didn't he go direct to Germany when he left the US and then stay there? Logically that would be the safest place for him. But he did not do so. During the travels of Haysom and Soering before their arrest, they did stay a short while in Germany after they left Thailand. They committed some fraud whilst there and then left to come to the UK where defrauding the banks was easier. Why didn't he stay where he thought he was safe?

To recap, Soering says he was aware that the death penalty was an issue for him and Haysom in Virginia. He said in his book, *"how do I stop them from frying Liz?"*. He says he was prepared to confess to a double homicide because he thought he was protected from prosecution in the US by diplomatic immunity. He says he thought he would be deported to Germany where he would be tried for the murders and receive a light sentence. Yet he never made any mention of diplomatic immunity throughout the investigation, or throughout the extensive legal proceedings that lasted over four years. There is no evidence that Soering made any attempts to find out if he had any immunity, despite many, many opportunities. Something that should have been of the utmost importance to him, whether he committed the murders, or he did not.

The bottom line is that Soering now says that his plan, from the night of the murders, was to confess then claim diplomatic immunity. He confessed, but he never claimed diplomatic immunity. He had not yet thought of it.

The evidence does not support Soering's claim that his confessions were false confessions made in the mistaken belief that he had diplomatic immunity. The evidence suggests that his claim of a mistaken belief of immunity from prosecution in the US has been manufactured at a much later date to provide an explanation as to why he confessed to the murders in detail.

Incommunicado

Soering alleges that he was held “incommunicado” and that Haysom was not.

Included in articles and books published by Soering are several allegations relating to his treatment when he was detained in the UK. He made these same allegations during his trial and again before the Virginia Appeal Courts.

Soering alleges that he was held ‘incommunicado’ which he says resulted in him being denied access to legal advice. He alleges that Haysom was not held incommunicado and that he was treated differently than Haysom was.

Notes:

1. In the UK in 1986 being detained by police and held incommunicado meant that the right to inform someone of the detention, and the right to legal advice could be delayed in certain circumstances.
2. The UK term ‘solicitor’ refers to a qualified legal representative and can be treated as being synonymous with the US term of ‘lawyer’.
3. A full copy of Custody Record 1106 is attached at Appendix C.

In 1986, under certain circumstances, the right of an individual to have someone informed of their detention, and to consult with a legal representative, could be delayed with written authority from a Superintendent or above, and therefore the individual was said to be held ‘incommunicado’. Pending that authority from a Superintendent or above, an officer of the rank of Inspector could give interim authority to hold someone incommunicado.

Below are extracts from Custody Records 1105/1986 and 1106/1986:

Quote from Haysom Custody Record 1105:

“Arrested on suspicion of murder. Authority to detain granted. Four day Commitment Remand granted by Richmond Magistrates Court. PS7T

Notification delayed by officer in charge DI Shepherdson. Authority to be obtained by Supt.”

Quote from Soering Custody Record 1106:

“Authority to detain granted. Four day commitment warrant granted by the Court – PS7T

To be held incommunicado, covering authority to be obtained by Supt. – PS7T”

Both Custody Record entries are essentially the same with slightly different terms used by the Custody Officer who was ‘booking them in’. The same officer booked in Haysom and Soering, and the same officer wrote the initial entries in the Custody Records quoted above. The slightly different terminology he used did not result in any difference in how Haysom and Soering were treated. Haysom was booked in first and requested access to a solicitor but did not ask for anyone to be notified of her detention. In her case, the Custody Officer recorded that the “notification” would be delayed (referring to notifying the solicitor she had requested) and that authority to delay the request would be obtained from a Superintendent. Soering was booked in 20 minutes later and did not request a solicitor but did ask for his parents to be informed of his detention. This time the Custody Officer used the term “incommunicado” and again said that authority would be obtained from a Superintendent (referring to delaying the notifying of Soering’s parents).

At the time of their arrivals at Richmond Police Station, Detective Inspector Shepperdson was present in the custody area. He gave interim authority to hold Haysom and Soering incommunicado. A few minutes after Haysom and Soering had been booked in it was decided that there was no point in holding them incommunicado, because the circumstances did not warrant it, and because their arrests had been widely publicised that day. No authority to hold them incommunicado was ever obtained from a Superintendent and the fundamental rights they requested were not delayed. Haysom was given access to a solicitor and Soering was allowed to notify the staff at the German Embassy that he had been detained.

Neither Haysom nor Soering was held incommunicado.

Incommunicado – Haysom

In dealing with ‘incommunicado’ in more detail there is some repetition of the general comments above.

For Haysom there is only one aspect to consider, her request to speak to a solicitor. She did not want anyone informed of her detention therefore that right was never an issue. She would only be incommunicado if her access to a solicitor were to be delayed.

Haysom has never made any complaints about her treatment during the two periods of her detention at Richmond Police Station.

On arrival at the police station on 5 June 1986 she requested access to a solicitor but did not request that anyone be informed of her arrest.

Photograph of section of Haysom Custody Record 1105:

A notice setting out my rights has been read to me and I have been provided with a copy.		Address: _____
Signature of person detained: <i>[Signature]</i>		Occupation: _____
Time: 12.30 Date: 5/86		Age: _____
I want a Solicitor as soon as practicable* I do not want a Solicitor at this time*		Place of Birth: _____
Signature of person detained: <i>[Signature]</i>		Ident. code: _____
Time: 12.30 Date: 5/86		Arrested by: _____
At the time of service of notice - notification of detention to named person requested/not requested*		Name: _____
Named person: _____		Rank: <i>W/D C</i>
Time: 12.30 Date: 5/86		Arrested at: _____
Officer opening Custody Record:		Officer in the case: _____
Signature: <i>[Signature]</i>		Name: <i>PS</i>
Name: <i>CASEY</i>		Rank: <i>DI</i>
Rank: <i>PS</i> No: <i>7T</i>		

When the ‘booking in’ procedure was completed the Custody Officer, Police Sergeant 7T Paul Casey, wrote the first entry in CR1105 at 12.30pm as follows:

“Arrested on suspicion of murder. Authority to detain granted. Four day Commitment Remand granted by Richmond Magistrates Court. PS7T

Notification delayed by officer in charge DI Shepherdson. Authority to be obtained by Supt.”

Photograph of section of Haysom Custody 1105:

Custody No: 1105		Last review of detention conducted at:
Name: HAYSON, M.		
Date	Time	Full details of any action/occurrence involving the detained person (Include full particulars of all visitors/officers) Individual entries need not be restricted to one line All entries to be signed by the writer
5/6/86	12.30	Arrested on suspicion of murder. Authority to detain granted. Early day commitment demand granted by (Name) (Name) (Name). — M.S.T. Notification delayed by officer in charge of the case DI Shepherdson. Covering Authority to be obtained by Syst.
	14.5	Meal declined at 16.0
	2.00	Taken over as custody officer. Visited by person. she is well and made no requests. M.S.T.
	2.55	Visit no requests M.S.T.
	3.50	Visit asleep no requests M.S.T.
	4.45	Visit well no requests M.S.T.
	5.45	Visit refused main Meal accepted Cup of tea and packet of biscuits M.S.T.
	6.30	Visit well no request M.S.T.
	6.50	Visit informed that...

The 'notification' being delayed, that Casey refers to, is her right to speak to a solicitor.

Detective Inspector Shepherdson, the nominal officer in charge of the case in those first few minutes, had informed the custody officer that he would be seeking authority from a superintendent to hold both Soering and Haysom incommunicado. (An officer of the rank of Inspector could give interim authority pending written authority from a superintendent). After Haysom had been booked in, the investigators decided that there was no point in holding her incommunicado. Her solicitor had represented her at court that morning and her arrest on suspicion of murder was already widely publicised in the newspapers that day. The special circumstances regarding 'incommunicado' in the Police & Criminal Evidence Act 1984 would not apply. Therefore, no authority to hold her incommunicado was ever sought from a superintendent.

Haysom consulted privately with her solicitor, Keith Barker, at 12.05am, 3.57pm and 6.35pm of June 6, 1986, and at 11.41am and 3.45pm of June 7, 1986 simply because she requested to speak with him.

Haysom was not held incommunicado.

Incommunicado – Soering

Again, in dealing with ‘incommunicado’ in more detail there is some repetition of the general comments above.

For Soering there are two aspects to consider. The first aspect is his request that his parents be informed of his detention. Although he did not ask for a solicitor, his right to seek legal advice is the second aspect because he now claims that he did request access to legal advice.

Soering has made no complaints about the 1st period of his detention at Richmond Police Station when arrested on April 30 for fraud offences. He made no complaints about his 2nd period of detention whilst at Richmond Police Station, at Richmond Court or Bow Street Court, or at any time over the following four years.

He now says that during his second period of detention, when being questioned as a suspect for murder, he was held incommunicado. Meaning that investigators delayed his right to inform some one of his arrest and/or delayed his access to a lawyer.

On arrival at the police station at 12.50pm on June 5, 1986 Soering **did not request** a solicitor but did request that his parents be informed of his detention.

Photograph of section of Soering Custody Record 1106:

The photograph shows a section of a custody record form with the following handwritten entries:

- Signature of person detained:** [Signature]
- Time:** 12.50pm **Date:** 5/6/86
- Signature of person detained:** [Signature]
- Time:** 12.50pm **Date:** 5/6/86
- Named person:** Parents
- Time:** 12.50pm **Date:** 5/6/86
- Officer opening Custody Record:** [Signature]
- Name:** CASEY (block capitals)
- Rank:** [Blank]
- Arrested by:** [Signature]
- Name:** [Blank] (block capitals)
- Rank:** A/D C (block capitals)
- Arrested:** [Blank]
- Arrived at station:** [Blank]
- Officer in the case:** [Signature]
- Name:** [Blank] (block capitals)

On the right side of the form, there are fields for:

- Surname: (Mr. D)
- First Names:
- Address:
- Occupation:
- Age:
- Place of Birth:
- Ident. code:

At 1.10pm of 5 June 1986, Custody Officer Police Sergeant 7T Casey wrote the first entry in CR1106 (Soering) as follows:

“Authority to detain granted. Four day commitment warrant granted by the Court – PS7T

To be held incommunicado, covering authority to be obtained by Supt. – PS7T”

Photograph of section of Soering Custody 1106 1.10pm entry:

Custody No: <u>1106</u>		Last review of detention conducted at:
Name: <u>SOERING</u>		
Date	Time	Full details of any action/occurrence involving the detained person (Include full particulars of all visitors/officers) Individual entries need not be restricted to one line All entries to be signed by the writer
5/6/86	1.10pm	Authority to detain granted, arrested on suspicion of Murder in U.S.A. - M17T Four day commitment warrant granted by the Court. - M17T To be held incommunicado, covering authority to be obtained by Supt. - M17T
145		Full meal supplied PS 67
20		taken over as custody officer. Visit to request
2.45		Visit well to request M17T
3.25		Taken to Det. office for investigation. Reported of Code of Conduct - D/S Beaver Kenneth Brown D/S
5.28		Returned to Charge Room no untoward incident took place whilst at interview spoke to Keith Barber at 4.30h Solicitor M17T
6.45		Interview for interview by D/S Beaver, Officer per visit of R. J. C. Kenneth Brown M17T
7.0		Returned to cells no untoward incident took place whilst at interview M17T
7.0		Meal supplied M17T

As previously stated, Detective Inspector Shepherdson, told the custody officer that he would be seeking authority from a superintendent to hold Soering and Haysom incommunicado. For the same reasons stated for Haysom above, a few minutes later it was decided that there was no point in holding Soering incommunicado and no authority from a Superintendent was ever sought.

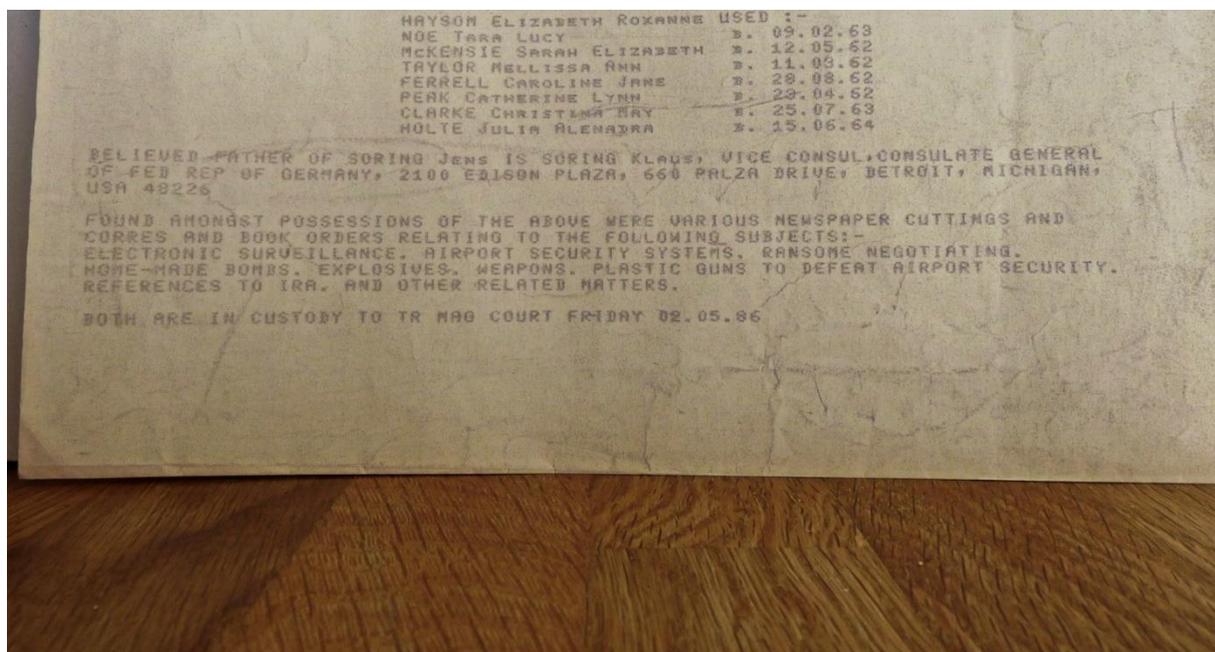
Aspect 1 - Notifying someone of the detention of Soering:

Dealing first with the issue of notifying someone of his detention, Soering asked that his parents be informed of his detention. Due to the arrest of Soering some weeks earlier we were already aware that Soering's parents did not live in the UK and that the father of Soering worked in the US for the West German diplomatic service.

On May 1, 1986, several weeks before the arrests for murder, I sent a teleprinter message to the MPS Special Branch and the MPS Bomb Squad in which I mentioned Klaus Soering. The teleprinter message was as follows:

"BELIEVED FATHER OF SOERING JENS IS SOERING KLAUS, VICE CONSUL, CONSULATE GENERAL OF FED REP OF GERMANY, 2100 EDISON PLAZA, 660 PALZA DRIVE, DETROIT, MICHIGAN, USA 48226."

Photograph of teleprinter message sent May 1, 1986 regarding the arrest of Haysom and Soering:



In 1986 cell phones were not yet available. The easiest way to notify Soering's parents that he had been detained at Richmond Police Station was to allow Soering to speak to the German Embassy in London. They would be better able to pass on a message to Klaus Soering. The telephone number for the German Embassy in London was obtained and supplied to Soering who then made the call himself.

At 7.45pm of June 5, 1986 Soering spoke freely and uncensored in the German language to Mr Benz at the German Embassy. No officers present spoke any German and had no control over what Soering was saying. Additionally, his arrest had been widely publicised in the UK national newspapers that day. The Custody Officers and Investigators considered that this contact through the German Embassy was the logical means to notify Soering senior and that the right to have someone informed of his detention had been complied with. Soering called the German Embassy again the following day at 10.05am and 11.00am of June 6, 1986. Staff from the Embassy later called Richmond Police Station asking to speak to Soering and they were put through to him during an interview. Soering spoke freely and uncensored to staff from the German Embassy at 12.40pm on June 6, 1986.

Photograph of Custody Record 1106 showing 7.45pm phone call to the German Embassy:

5-28p	Returned to Charge Room no untoward incident took place whilst at interview spoke to Keith Soering at 4.30p Solicitor N.A. 65118
6pm	Interviewed by D/S Beaver, Officer in charge of R.I.C. Kenneth Beardsley
6-45p	Returned to cell no untoward incident took place
7-05p	Main of eat supplied N.A. 65118
7-45p	Requested a phone call to German Embassy this was allowed and he phoned 235 5033 and spoke to Mr Benz the night security, being unable to speak to anyone he stated he would ring back tomorrow N.A. 65118
7-50p	Placed back in cell whilst being taken to cell he requested that he speak to D/S Beaver and D/C Wright as soon as possible as he felt it was the right time to talk N.A. 65118
7-55p	I contacted D/C Wright who then attended the charge room with D/S Beaver
7-59pm	I now wish to speak to D/S Beaver & D/C Wright without my solicitor being present N.A. 65118
8-02p	Taken to D/S officer by D/S Beaver requested Code of Practice N.A. 65118
11-14p	Return to cell no incidents N.A. 65118
12-14pm	Checked on sleep. D/S 2000 89
12-14pm	Checked on sleep. D/S 2000 89

Photograph of Custody Record 1106 showing 10.05am and 11.00am phone calls to the German Embassy:

		passage, address returned to him, did not want a change of clothes. Mtd 31
9.26am		Paul in cell, no incident. Mtd 31
10.05am		Long embassy 235-5033, unable to speak to person he wanted, addressing Paul at about 11am, call concluded 10.11am, Paul in cell, no incident. Mtd 31.
10.13am		Re above, prison requests he does not speak to police officer until he has spoken to embassy. Mtd 31
11.00am		Paul up his embassy 235-5033, as requested, call concluded 11.11am, stated person who knows about his case was not due and would not be due till 3.00pm. Requested to speak to DS Beaver. Mtd 31.
11.19am		Out of cell to do interview with DS Bowen and DC Wagner as requested by prison. Paul explained to event. Terry Wright. Mtd 31.
1.20pm		Paul in cell, no incident. Mtd 31
6.6.86 1.39pm		Entered cell no. 3 with D/S BEEVER. Took possession of piece of white paper (form 990) becoming rough sketch paper. No incident.
1.50pm		Go main guard. Mtd 31. In Prison.
2pm		Taken over custody of prisoner. Checked and well. David Walther
3		checked and well. David Walther

The Custody Officer did not record that the German Embassy staff called back later. A record of that is found in the tape-recorded interview of June 6, 1986, as follows:

Inv. Gardner: "OK – Detective Wright is leaving the room there"

Sgt Beaver: "And I make the time 1.38, I beg your pardon, the time is 12.38."

Inv. Gardner: "OK. Ah, you are getting hungry? It's about lunch time. Would you like to go eat, or –"

Jens Soering: "I'm fine – I haven't eaten since yesterday lunch, but I'm not hungry today."

Inv. Gardner: "Or go to the rest room?"

Jens Soering: "I'm fine"

Inv. Gardner: "OK. But in fact, we have it on tape, and I think Sergeant Beever will back me up on this, that you frankly admitted to being there that night."

Jens Soering: "I admitted to being there Saturday night"

Inv. Gardner: "When in fact –"

Sgt, Beever: "Can I cut in on you here? It is fairly important. Mr. Wright has just come back in the room at 12.39 approximately and we've been told that the embassy are returning their call to Jens here. It's important that you – that he does speak to"

D.C. Wright: "I can get that transferred to here and put it on the custody record. The custody officer can transfer it up here."

Sgt, Beever: "Let him make his – yes, put the phone call through to this interview room then please."

Inv. Gardner: "OK and we'll turn the tape off. Because you do want to speak with the Embassy."

(Tape is off for a while)

Inv. Gardner: "OK Jens. You just concluded talking to the West German Embassy"

Jens Soering: "Do you want to know what he said?"

Inv. Gardner: "Well, you don't have to tell me what was said"

D.C. Wright: "Can I just butt in at this point and say that having had that phone call it might be an important thing to just have it on tape to remind him of his rights."

D.S. Beever: "Agreed, that he's still under caution as far as English law goes, and whatever you'd like to say about yours"

Inv. Gardner: "Any time we take a little break like that – like after that phone call – I'm glad we caught that – you do have the same rights you had all along. But you were discussing with"

me the possibility of you being tried in another country, is that what you –“

Clearly, notifying someone of the detention of Soering was not delayed at all.

Aspect 2 - Access to legal advice in relation to incommunicado

Soering spoke to German Embassy staff at 7.45pm of June 5, 10.05am and 11.00am and 12.40pm of June 6, 1986.

Soering was also represented at court on June 5 by his legal representatives. They were fully aware that he was now detained at Richmond and the reasons why. They had private consultations with Soering before the court proceeding and again before he left the court building. Journey time from Richmond Magistrates Court to Richmond Police Station is approximately 5 minutes. On arrival at the police station Soering was kept waiting for approximately 20 minutes whilst Haysom was being booked in. Any advice given to Soering by his solicitor was given to him shortly before he signed the Custody Record stating that he did not wish to speak to a solicitor. I was standing beside him when he signed to that effect and I can guarantee that Soering's choice not to consult a solicitor, was made by him freely, without any promises, intimidation or threats. In his affidavit of 1995, Keith Barker (solicitor representing Soering) says that he advised Soering not to say anything to the police when he was with Soering at Richmond Magistrates Court. Despite his solicitor advising him not to answer any questions just before he left the court, Soering did not request a solicitor when he arrived at the police station a few minutes later.

The following quotes from an affidavit sworn in 1995 from Keith John Barker are proof that Soering spoke to his solicitor before and after the court proceedings on June 5, 1986:

*“I opposed any remand for further questioning with the **full consent and acquiescence of my client Mr. Soering.**”* (Barker could only get that consent by speaking to Soering before going in to court).

*“After the initial Magistrates' court hearing I **recollect that I went to the cells where my clients were held before they were taken away and I said to both of them that they were to answer no questions without me being present.**”*

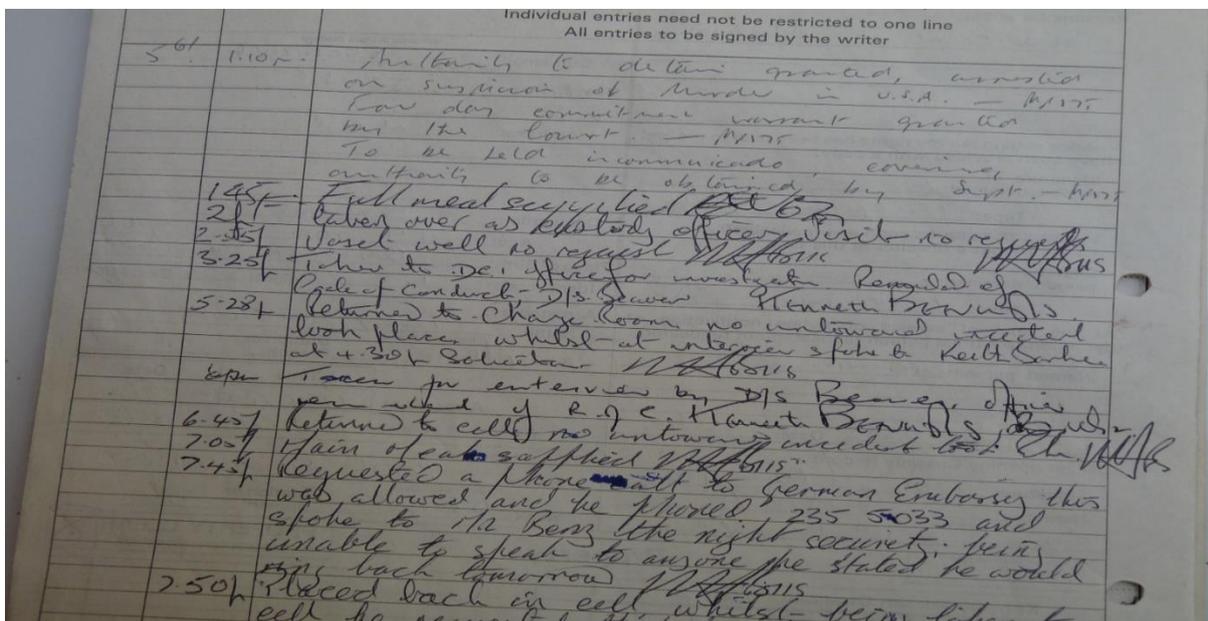
Soering has maintained that he asked to speak to his solicitor but was not allowed to do so. He further alleges that Beever threatened that some harm may befall Haysom unless Soering agreed to be interviewed without a solicitor being present. Yet, he fails to mention that he DID speak with Barker, his solicitor, at 4.30pm of June 5, 1986. We allowed Soering to speak with Barker by telephone during the first interview.

At 3.25pm that day Soering was taken out of his cell for interview. He was returned to the custody area at 5.28pm. During this interview, Soering spoke freely by telephone to Barker from the interview room, without any censorship. This call was recorded by the Custody Officer at 5.28pm, in the presence of Soering, in Custody Record 1106.

This telephone call with Barker clearly shows that Soering did have access to legal advice had he asked for it. His many comments during interviews, a number of them recorded on tape, show that Soering felt able to decide for himself which questions he was prepared to answer and those he would not answer. A clear demonstration that he knew his rights and he waived them knowing that at any time he could ask for legal advice.

(The call to Barker at 4.30pm of June 5, 1986 is also another avenue by which Soering could notify his parents that he was in police detention. Barker was already representing Soering in relation to the fraud charges and was aware of Soering's background. He could have notified Klaus Soering had Soering asked him to.)

Photograph of Soering Custody Record showing entry at 5.28pm:



The above entry in the Soering Custody Record 1106 at 5.28pm states:

“5.28pm - Returned to Charge Room, no untoward incidents took place whilst at interview spoke to Keith Barker at 4.30 pm Solicitor.”

Soering was asked if he wanted anyone informed of his arrest and he nominated his parents.

Detective Inspector Shepherdson, the nominal officer in charge of the case, informed the custody officer that he would be seeking authority from a superintendent to hold both Soering and Haysom incommunicado. (An officer of the rank of Inspector could give interim authority pending authority from a written superintendent.) After Haysom and Soering had been booked in it was decided that there was no point in holding them incommunicado because their arrests on suspicion of murder were already widely publicised in the newspapers that day and that the special circumstances under the Police and Criminal Evidence Act 1984 (PACE) would not now apply. Therefore, no authority to hold them incommunicado was ever sought from a superintendent.

Is it true that Soering was held incommunicado?

No! This claim is a blatant lie. Calls between Soering and the German Embassy and a call with his solicitor prove that Soering was not held incommunicado.

Clearly, Soering was not held incommunicado.

Was Haysom held incommunicado?

No! Consultations between Haysom and her solicitor prove that she was not held incommunicado.

Clearly, Haysom was not held incommunicado.

Is it true that Soering was treated differently to Haysom by holding him incommunicado when Haysom was not?

No! This claim is a blatant lie. Original documentary evidence is available showing the true facts.

Clearly, Haysom and Soering were treated in the same way.

These claims made by Soering are false and there is no legitimate reason for him to make them. When these claims were first made, he was attempting to get his multiple confessions ruled out as evidence. Claims that he was held incommunicado were an attempt to persuade the court to rule out the confessions. It now suits his purpose to continue these lies to discredit Ricky Gardner, Ken Beever and me, and to gather sympathy from those who do not know the full facts of the case.

Both prisoners were treated in accordance with the Police and Criminal Evidence Act 1984 and the Codes of Conduct to that Act. Throughout their detentions they were treated fairly and with courtesy and compassion by the investigators and by the Custody Office staff.

Haysom and Soering were both treated in the same way, and the same way as any other detained persons. Soering was afforded his rights according to his own requests and afforded the same rights as Haysom, no more, no less.

Anyone who doubts these facts need only listen to the audio tape recordings of the interviews. It is immediately obvious that the interviews are polite, friendly, courteous and a two-way process. Soering was free to ask as many questions as he liked, including asking for a solicitor. Throughout the interviews he said that he did not want a solicitor at that time and said he would speak to one later if charges were brought against him, and he would do so in the country where proceedings were taking place. He was constantly being reminded of his rights, and on many occasions, it was the interviewers advising him to seek legal advice. Soering decided that he did not need a solicitor and he requested to speak to us.

Soering was not held “incommunicado” during his detention in the UK.

Access to legal advice

Soering did not request access to legal advice during his detention in the UK.

Access to legal advice in general

Discussing the true facts relating to Soering's allegation that he was denied access to legal advice and his allegation that he was held incommunicado results in some unavoidable but necessary repetition.

Soering's claims are also somewhat confusing due to the contradictory statements that he makes. Since 1990 Soering has said that on the night of the murders in 1985, he made up his mind to willingly make false confessions to protect Haysom. And yet, he also says that he only confessed in Richmond Police Station because he was coerced and denied access to legal advice. If Soering was trying to make false confessions, then his access to legal advice would not be relevant. If his confessions to the murders were genuine, then it is obvious that he now regrets having made them and would want to try to have them ruled out as evidence by saying they were obtained by coercion.

The simplest way to deal with these claims is to accurately report the facts relating to Soering's police detention in 1986:

Before discussing these facts, please note that it was during his trial in 1990, that Soering first alleged he was denied a lawyer and coerced into giving confessions. So, these claims are not new, and they do not result from any new evidence. During his trial Soering asked that his confessions be ruled out as evidence. The trial court decided against that. He later repeated his allegations in the United States Court of Appeals. The appeal court Judges dismissed the appeal made by Soering, ruling that interviews took place without a solicitor being present at the request of Soering himself. The Appeal Court ruling is shown below:

*United States Court of Appeals for the Fourth Circuit
Soering v Deeds No. 99-6498
UNPUBLISHED
No. 99-6498*

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT JENS SOERING,

Petitioner-Appellant, v. GEORGE DEEDS, Warden, Keen Mountain Correctional Center, Respondent-Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Jackson L. Kiser, Senior District Judge. (CA-98-361-R)

Argued: June 8, 2000

Decided: June 30, 2000

*Soering first argues that the district court erred in upholding the Supreme Court of Virginia's rejection of his claim that his confessions in England were obtained in violation of *Edwards v. Arizona*, 451 U.S. 477 (1981). Under *Edwards*, an accused [. . .], having expressed his desire to deal with the police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges, or conversations with the police.*

451 U.S. at 484. Specifically, Soering contends that, even though he expressed his desire to deal with the police only through counsel at the end of his second interview, he was subjected to further interrogation a few hours later by a Virginia law-enforcement officer (Investigator Gardner) and his British counterparts. Soering argues that, because any self-incriminating statements that he made during the third and subsequent interviews should have therefore been suppressed, the trial court's failure to do so entitles him to habeas relief.

*We conclude that the district court correctly upheld the Supreme Court of Virginia's rejection of Soering's *Edwards* claim because, even assuming that *Edwards* applies to an American law-enforcement officer's interrogation of a German citizen in British custody we cannot say that *Edwards* was actually violated at all: Soering has simply failed to "rebut[]," "by clear and convincing evidence," "the presumption of correctness" that we must accord to the state trial court's factual finding that Soering himself "initiated" the third and subsequent interviews with the police, § 2254(e)(1); J.A. 480. * Soering offers nothing more than sheer speculation about whether the police orchestrated or pressured him into initiating*

further contact with them after his second interview. See, e.g., Appellant's Br. at 43-44. And there is strong support in the record for the state court's factual finding that Soering himself initiated further communication with the police. First, after being taken back to his cell, Soering asked one of the jail guards to inform Detective Constable Wright, who had participated in Gardner's earlier questioning of Soering, that he wished to speak to Gardner again. J.A. 609. Second, six minutes before the third interview began, Soering signed the following entry in the custody log at the British police station where he was being held: "I now wish to speak to D/S Beever, D/C Wright, D/C Gardner without my solicitor being present." J.A. 609, 633, 1562. Soering therefore clearly indicated that, regardless of what had transpired beforehand, he was "now," at that point in time, initiating contact with the police. And in doing so, he in no way indicated that he wished to discuss only the British check-fraud charges, rather than the Haysom murders, about which Beever, Wright, and Gardner had interviewed him earlier that day. Third, Soering's statements during the ensuing interview "reflect[ed] no unwillingness to talk or any other reason to believe that he was taken from his cell against his will and at the instance of law enforcement officers"; moreover, Soering made no reference whatsoever to the British check-fraud charges during this interview, which confirms that he did not wish to discuss only those charges. J.A. 1563; 151-90.

Even if the Supreme Court of Virginia's rejection of Soering's Edwards claim was "contrary to," or "an unreasonable application of," Edwards, Soering would still not be entitled to habeas relief on this ground, since Soering has failed to show that the admission of his confessions made in England "had [a] substantial and injurious effect or influence in determining the jury's verdict," thereby causing him "actual prejudice," Brecht v. Abrahamson, 507 U.S. 619, 637 (1993). Soering did not suffer "actual prejudice" because the jury in all likelihood would have reached the same verdict that it did in reliance on Soering's subsequent, voluntary, counselled confession to a German prosecutor, which Soering does not challenge as being improperly admitted at trial, and which contained many of the same incriminating details that his confessions in England did. See, e.g., J.A. 1034-35 ("the next thing that I can remember is that I stood behind Mr. Haysom, and then blood ran from his neck into his lap. . . . I stood there with a knife in my hand. . . . I don't know

whether I stabbed him in the neck or cut down along the neck. . . .
Prosecutor: Diagonal cut through the artery? The defendant [Soering]:
Yes, that was it."); J.A. 1038 ("finally I injured Mrs. Haysom, too, at her
neck"); J.A. 1046 ("I can remember that I caused both of them neck
wounds.").

Note:

**The district court held that, under United States v. Verdugo-Urquidez,*
494 U.S. 259 (1990), it was clearly established that Edwards applies to
custodial interrogations by American law-enforcement officers of foreign
citizens in foreign custody in foreign lands. J.A. 1556. Given our
disposition infra, we need not address the question whether Edwards
does in fact govern custodial interrogations by American law-
enforcement officers of foreign citizens in foreign custody in foreign
lands."

Neither Haysom nor Soering were ever denied access to a solicitor/lawyer. Haysom requested access to a solicitor but Soering did not. (Fact)

Did Soering request to speak to a solicitor?

No, he did not.

Did Soering speak to a solicitor?

Yes, he did. He spoke to Barker by telephone at 4.30pm of June 5, 1985 and then continued to talk to the investigating officers.

Both Haysom and Soering were made fully aware of their rights on both occasions that they were detained in the UK. When arrested on suspicion of murder they already knew the police procedures because they had gone through the same procedures only a few weeks earlier in April 1986, when arrested for fraud offences. They both knew that the uniformed custody officers are independent to the investigation and deal only with the welfare of persons in custody and detention. When 'booked in' for both of his periods of detention Soering was given a written Notice of Rights as required by the

Police and Criminal Evidence Act 1984, and he was asked if he wanted to consult with a solicitor which he declined. He signed Custody Record 1106 to that effect at 12.50pm, June 5, 1986. During his 1st detention for fraud offences he initially declined a solicitor, then subsequently requested one. Proof that Soering was made fully aware of his rights, and that he knew that he could request a solicitor at any time during his detention. It was a procedure that he was already familiar with.

Custody Records 803 and 1105 record the detentions of Haysom. Custody Records 804 and 1106 record the detentions of Soering. These Custody Records were made available during the 1990 pretrial motions and trial of Soering. The originals are still available today.

On June 5, 1985, when the UK side of the investigation into the murders of Derek and Nancy Haysom began, Haysom and Soering were equal suspects. What possible reason could exist for us to allow Haysom to speak to a solicitor and not allow Soering to do the same. We had no way of knowing which of their rights each of them would exercise when being 'booked in'. Gardner, Beever and I, had no idea if they were going speak to us, or what they were going to say. Haysom and Soering made their own choices about access to solicitors, and as investigators we complied with them.

Access to legal advice – Soering

Soering alleges that he requested access to a lawyer and that his request was denied whilst in police detention.

There are two very important points to note when considering access to legal advice for Soering:

The first important point is that Soering did not ask for a solicitor. From an investigators perspective there is absolutely nothing to hide in relation to his allegation. The detention of Haysom and Soering was fully documented and those original documents are still available.

The next important point, a fact that Soering never mentions, and that even the learned appeal court judges didn't notice, is that **Soering was in fact given**

access to his solicitor, Keith Barker. He spoke by telephone to Barker within four hours of his arrival at the police station. This was so, despite him saying when he was booked in, that he did not want to have a solicitor to represent him.

Photograph of section of Soering Custody Record 1106:

Custody Record 1106 is original documentary evidence, written by an independent custody officer in Soering's presence, proving the telephone call between Soering and his solicitor, and proving that Soering was given access. Further documentary evidence and audio recordings of interviews show that after speaking to Barker he chose to continue to be interviewed without a solicitor and without coercion or threats of any kind.

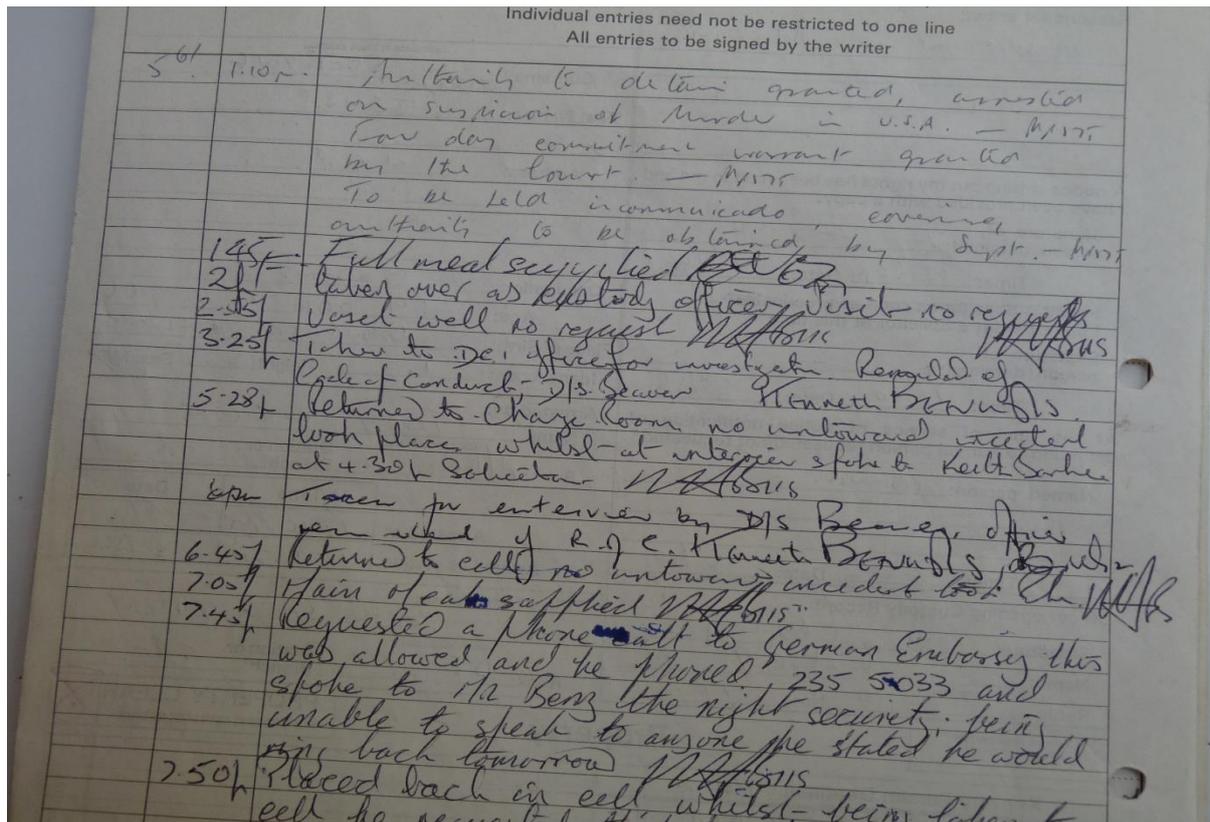
Soering's telephone conversation with Barker took place at 4.30pm, during his first interview. He spoke freely and uncensored with no interference from investigators. The telephone call was recorded on Custody Record 1106 as soon as Soering was returned to the Custody Suite at 5.28pm.

The 5.28pm entry in the Soering Custody Record was written by the Custody Officer and is as follows:

"Returned to Charge Room no untoward incidents took place. Whilst at interview spoke to Keith Barker at 4.30pm solicitor."

A copy of CR1106 is attached at Appendix A

Photograph of 5.28pm entry in Soering Custody Record 1106:



Soering was present at 5.28pm when this record of the call was made on his Custody Record. If Soering is now asked about the 4.30pm telephone call to Barker, he may claim that there was no phone call, and that he was never aware of the content of the 5.28pm entry. But that entry on the Custody Record was written right in front of him. Soering himself signed other entries in CR1106 and the 5.28pm entry was there for him to see. He later demonstrated that he was aware of the written content of the Custody Record by a comment he made in an interview of June 6, 1986, (page 17 of the interview transcript). He has had copies of the Custody Records for 30+ years and yet he has never mentioned the entry about the phone call with Barker.

Soering and his solicitor, Barker, both know that the 4.30pm telephone call took place. If Soering was to claim that the 5.28pm entry about the phone call is a false entry, he would then have to include the uniformed custody officers in some sort of conspiracy to pervert the course of justice. He would also run the risk of exposing the fact that Barker has a case file, where the 4.30pm phone call is likely to be recorded. Barker still had a file on this case in 1995 because he referred it in his affidavit. A note of the 4.30pm phone call in

Barker's file would be further evidence proving that Soering is lying and was not denied access to legal advice.

Barker - 1995 affidavit: *"My file indicates that after returning to my office I drafted a letter which was hand delivered to Richmond Police Station to which Mr. Soering had been taken....."*

Further evidence that Soering was fully aware of his rights, and comfortable with the interview environment can be found within his interviews. He answered our questions freely, and asked questions of his own whenever he wanted to. Except that he declined to answer any questions that he considered might infer an element of premeditation. His refusal to answer questions regarding the murder weapons, and items he disposed of after the murders, demonstrate that he thought himself quite capable of representing his own interests without the need for a solicitor. He specifically said so several times.

In December 1986 Soering was interviewed by a German Public Prosecutor. A German Defence Counsel was also present to represent him. There can be no doubt that during this interview he had access to legal advice, and he was not coerced in any way. You might expect then that he behaved differently. Once again Soering answered questions, he asked questions of the Prosecutor and he declined to answer questions that may have inferred an element of premeditation. This later interview was conducted beyond the reach of any influence from the original investigators. Soering's behaviour in this later German interview was totally consistent with his behaviour when questioned by Gardner, Beever and I.

The interview with the German Prosecutor took place on December 30, 1986. Six months after the police interviews at Richmond Police Station. This interview was facilitated by an MPS police officer who dealt with extradition cases, and who was not connected in any way to the murder investigation. That officer tape recorded the interview which was conducted in the German language. Prior to the interview Soering had a private consultation with his German defence lawyer. The defence lawyer remained present throughout the interview and played an active role in the proceedings. The content of the interview was later translated into English and submitted in evidence at the Soering trial. His confessions to the German Prosecutor were almost identical to his confessions in June 1986. He never made any complaints to his Defence Counsel or the Prosecutor about coercion or that he had been denied access to legal advice during his earlier police detention.

It should also be noted that the interview with the German Prosecutor took place after Soering became aware that Haysom intended to return to the USA without challenging her extradition and she intended to plead guilty to two counts of 1st Degree Murder.

On December 18, 1986, Soering wrote:

“As to “purging your guilt” towards your family and me: I will stop “churning out the same pat phrases”, as you put it. You can never, ever purge your guilt in your family’s eyes. Even if you are found completely innocent or do 3000 years, they’ll never forgive you. So why, for God’s sake, sacrifice your future by refusing to oppose extradition and pleading guilty to charges which are far too high (especially considering we’re innocent)? And as for guilt towards me is concerned, of course I realize you’ve ruined my life. You also got a lot of help from yours truly, and if I “had protected you better, you wouldn’t even be here either. Sweetie, we ruined our lives – together. I also believe that both of us, at all times, tried to do the right thing, the loving thing. At times we may have done some very, very stupid things – but by mistake, by honest mistake. So don’t insult me by telling me I’m too stupid to have done a lot of thinking about how I ended up in this mess. I understand our fuck-ups in great and painful depth, and judging from your behaviour, I seem to understand them better and seem to have dealt with that understanding better. Because in spite of all the fuck-ups, the central fact does not change: I love you. And if you insist on purging your imagined guilt towards me, please do it by not taking the easy way out (and that is exactly what your giving up represents) – show some backbone! You have nothing to lose and, secondly, you have my word that things are not half as bad as they seem – as long as you give your lawyers a chance to open their mouths in court. Switch to Hanne as planned, and let’s do things my way for once. (By the way, if you’ve read my “statements” – you are speaking to a different Jens than that. I haven’t read my own “statements” myself yet as I’ve found them too depressingly pathetic. PE+T have gotten yours I think.)

I’ll let you in on a little secret. Sweetie: what you do legally does not matter to me legally. But my main concern is not the legal one, it is the personal one. By giving in, you are unnecessarily abandoning yourself legally and you’re abandoning our love. To quote your letter, “I don’t

give a damn." I love you and things are quite nice legally; either you trust me when I say that and you act accordingly or you say you trust me and you don't act accordingly, i.e. you give up. I won't stand for that, Elizabeth. We are nothing without total honesty. If you don't trust me and throw everything away, you have no right to say "I love you" and "I trust you" I love you. I love you very much. Now wake up and do as you are told. As every night, you are with me in my dreams. Warm + close + closeted.

Forever yours,

Jens."

Police interviews of Soering were on June 5, 6, 7 and 8. He was returned to Richmond Magistrates Court on June 9. As soon as he arrived at the court on June 9, he was no longer in police detention. At court Soering again had access to legal advice. He made no complaints to his solicitor or to the court about his treatment whilst in police detention.

When Soering was on remand, back in the prison system he wrote several letters to Haysom. Never once did he complain to her that he had been denied access to his solicitor, even though he referred to Barker and other lawyers frequently in his letters. Soering had frequent legal visits, from many lawyers, during his time on remand and during the next four years of his incarceration pending extradition. Visits from German Embassy staff were also taking place. At no time did any complaints of him being denied access to legal advice come to notice.

Between June 5 and June 8, 1986, Soering was interviewed seven times. One interview was in connection with enquiries into suspected cheque fraud offences for which he had not previously been questioned. In this interview contemporaneous notes were made of each question and answer and later those notes formed part of the UK prosecution case against Soering for fraud offences. This interview is not particularly relevant to the murder investigation, except that it shows a consistency of behaviour, on behalf of Beever and I, in that once again Soering was given the UK caution and asked if he wanted a solicitor to be present. Once again, he did not. Each question and answer recorded was initialled by Soering and he signed each page. He made no complaints during the interview or to the custody officers, or to Kingston Crown Court when sentenced for the fraud offences.

In books written by Soering he claims that on the first two occasions that he was interviewed he requested to be allowed to speak with a solicitor, but his request was denied. He says that proof of this is provided by the fact that he did not sign US Miranda forms.

In the first two interviews Soering simply didn't feel comfortable signing the Miranda forms and we did not try to force him to. It was nothing to do with solicitors. He became more relaxed by the third interview and decided to sign the form. A very similar thing happened in the Haysom interviews. She also declined to sign the Miranda at first. Soering was content to be interviewed at all times, and after the first day, all interviews were at his request.

Access to legal advice - Haysom

Haysom has made no complaints about her treatment when in police detention. This section is included only because it shows consistency in the way that Haysom and Soering were treated. The rights that Haysom requested were complied with.

On examination of the documents available (Custody Record 1105) one can immediately see that Haysom asked for a solicitor and therefore she was allowed access to a solicitor. It can also be seen that she did not ask for anyone to be informed of her arrest and consequently no efforts were made to inform anyone.

Photograph of section of Haysom Custody Record 1105:

Clearly, Haysom was not denied access to legal advice.

Soering's accusations that Annie Massie mutilated the dead bodies of the Haysoms

Quotes of Jens Soering:

Soering: "Right. Ah, at this point in time, I am answering all the questions I am answering that Mr. Gardner, Officer Beever and Wright are putting to me truthfully. There are ... I will answer all questions that I feel will not negatively effect my case I will answer truthfully. All questions which I feel may effect my case negatively and that I need the advice of a solicitor on, I will not answer at all. I will not lie, I will not answer at all because at this point I feel fairly convinced that any statement that I make will be checked out several dozen times to make absolutely sure that it's the truth. Therefore it would be very stupid for me to lie. I'm not going to do that therefore and ah, do you want me to add in the bit why I --- it is important to me to be truthful."

Gardner: "Sure. OK."

Soering: "I made statements off the record to Officer Wright which, I mean, yes, one would have to say that they concern a part of the case which I'm not going to discuss on the record at this point but which will probably will work out to be in my advantage. They can be substantiated in court, therefore it is important to me to be truthful and so that Officer Gardner and Officer Reid investigate that part of the investigation to the best and fullest of their ability in the confidence that I am telling the truth which in fact I am doing. If I feel that there are certain questions which I can't answer truthfully at this point without incriminating myself I will not answer them. I will not lie."

We can see that on June 6, 1986, Soering insisted that he was being truthful. In the two answers above he told us a total of nine times that he would not lie and that he was telling the truth. Now, he's just as insistent that he was not telling the truth.

So, which is it? Was he lying then? Or, is he lying now?

What is clear is that Soering is a liar, either then or now. He tells us that himself. Because of that, great care should be taken before accepting anything that he says as being the truth. Everything he says should be checked and

considered against the circumstances at the time and the evidence available. It's a proven fact that Soering will lie without hesitation if he thinks it's to his advantage.

Soering tells everyone that he warned us investigators he was about to make a false confession. But, when he made the comment he quotes as proof of this, he doesn't tell anyone what we were actually talking about at the time. I was there so I know. I know without any doubt what Soering was talking about then and throughout his interviews. When he made the comment that he now quotes as proof he was about to give a false confession, he was talking about what he called "atrocities" inflicted on the victims after the murders. His comment was not about giving a false confession at all. He alleged that a friend of the Haysoms carried out some kind of ritual in the crime scene after he (Soering) had killed Derek and Nancy Haysom.

What was Jens Soering talking about when he said, "*I can see it happening yes*"? Was he telling us interviewers that he was about to make a false confession?

I know exactly what he was talking about, because I was there, and he wasn't talking about pleading guilty to murders he did not commit. Also, notice that "pleading guilty to something you didn't do" and "confessing to something you didn't do" are not the same, and Soering never pleaded guilty to anything anyway.

What was he talking about?

There is an aspect to this case that very few people know about. Those "few" are the four people present during the interviews of Jens Soering in June 1986. They are Jens Soering, Ricky Gardner, Ken Beever and me. Updike also knows a little, because we investigators told him what Soering had said. Although it's little known, nevertheless it's there in the interviews for all to see.

What Soering told us was that he thought someone saw him leave Loose Chippings after he had murdered Derek and Nancy Haysom. He said that he thought that person saw him leave and then called other people to the crime

scene. Soering said that they then carried out some form of ritual on the dead bodies. In his mind, this was his way of separating the acts of murder from the outrageous extent of the injuries inflicted upon the Haysoms.

You might wonder what this has to do with the comment about pleading guilty to something he did not commit, and I will come to that in due course. It's first necessary to "set the scene" of the interviews so that his comment is taken in the right context. First, you need to know that Soering did tell us who he thought had watched him leave the murder scene. He named that person as Annie Massie, a close friend and neighbour of the Haysoms, and the lady who first found the dead bodies of the Haysoms.

Over several days, Soering told us his theory, that Annie Massie saw him leave, gathered other people to the house and then inflicted additional injuries to the dead bodies. Now that you know about Soering's allegations against Annie Massie, please look at the interview transcripts and you will understand what he was talking about. He called the injuries to the Haysoms the "atrocities" and separated them from the murders. Soering asked us straight out if the "atrocities", which he said were caused by someone else, would make a difference to his sentence.

Soering interview June 7, 1986:

Soering: "Can you tell me a little bit please about what sort of things can happen to me legally in the United States if I'm charged with umm ... that's another thing I want to ask you. Going back to what we discussed yesterday in a possible split of what happened, alright. Umm is there ... I mean will they be treated as separate offences or will they continue to be treated as one offence until it can be proved that they're separate offences. OR ... I mean can you ... are you allowed to talk to me about that?"

Gardner: "I think I can talk to you, but I don't understand what you are saying. Now I'll be happy to sit here and talk all day to you."

Soering: "Right."

Gardner: "And I'm going to clarify and I want you to verify to you right now that what I say to you ..."

Soering: "It's not binding."

Gardner: "Right."

Soering: "Absolutely."

Gardner: "Cause I'm totally ignorant"

Soering: "Right"

Gardner: "To the ahh ..."

Soering: (Inaudible)

Gardner: Yes, well to the actual judicial system itself. Whether (inaudible)

Beever: "Would you like to say that someone just opened the door and there was a bit of noise there."

Gardner: "And this is your lunch."

Soering: "Thank-you."

Gardner: "Would you like to go ahead and eat?"

Soering: "I think I'll wait until after we finish."

Gardner: "Okay, if you want to eat now don't let us stop you."

Soering: "I don't want to waste any more time."

Gardner: "You're not wasting time, but the point I was making ..."

Soering: "This kind of question which I want to continue asking you and if you want to turn the tape off by itself because it's not of interest to the proceedings. And you can go ahead and do that you know. It's up to you."

Gardner: "It doesn't make any difference to me, because I'm not going to make any promises to you okay. There's no way that I can make any promises or offer any kind of deals to you. I want you to understand that. I don't have that authority. Now lets just go back to what you just said a minute ago and I just want to make sure I heard you correctly. You said, "Would these offences be separate offences" yea, I think that's what you said. Or would it be a combination ... no that's not a good word. Would it be separate offences or would they be individual offences. Is that what you're saying. Now I don't know. .. You know I don't know exactly. I can only in my

mind I think I know what you're talking about. But I need to be a little bit more specific and I'm not trying to be tricky."

Soering: "Right. I'm talking about the actual murders and the atrocities that were apparently committed afterward. Alright."

The person Soering accused of carrying out this ritual is Annie Massie. He said he thought Massie was involved in black magic or witchcraft.

Why did Jens Soering accuse Annie Massie of being a witch?

Why did he repeatedly accuse her of mutilating the dead bodies of Derek and Nancy Haysom?

Why has Soering never mentioned his allegations against Annie Massie since 1986?

Why is this aspect of the case so little known?

What do these allegations have to do with his comment that he might possibly consider pleading guilty to something he didn't do?

These are all questions that relate directly to the following comments made by Soering:

Beever: "Would, would you consider then in that answer, you amaze me by the way, that you're turning these things over in your mind. Would you consider under those circumstances taking into account your answer pleading guilty to something you didn't do?"

Soering: "Would I consider doing that?"

Beever: "Yes."

Soering: "I can't say for sure right now, but I can see, I can see it happening yes. I think it happens in real life, okay."

Beever: "I disagree with you, but don't let's get into my legal arguments now. I'm sorry, I think you answered my question."

Soering: "I mean, you know. I couldn't answer that question right now. I certainly hope that, I hope very much that it's not going to come to something like that."

When Beever asked Soering if he would consider pleading guilty "under those circumstances", what were "those circumstances?"

Consider first, what did the conversation relate to throughout the interview on June 7? Soering requested that we speak to him that day, and as soon as the Miranda and UK caution procedures were complete, Soering opened with his questions to us, telling us what he wanted to know.

During the first few minutes Soering asked us what would happen to him legally, and what would happen to him if he was extradited to the USA. He then went on to ask again if the murders could be split from whatever injuries were inflicted after the victims were dead.

Soering asked about the different degrees of murder charges in Virginia and about sentencing for each. He asked if what he had told us "off the record" would make a difference to any sentence he might receive. What he had told us "of the record" was that Annie Massie damaged the bodies after he left the scene. Again, he asked if the offences could be split into three, and then more about what he had told Gardner about Annie Massie. He then said:

Soering: "Well as I understand it, it would also be important to me if I'm going to be charged with a crime, all right. It seems to me that that's going to make a big difference., as to my sentencing all right. If I get sentenced, if I get found guilty."

Gardner: "Uh huh."

Soering: "Whether these would be considered part of the same thing. Now apparently you, you can't answer that right now, perhaps."

Soering then went on to repeat that he thought there was a big difference between the murders, compared with the murders plus atrocities. He thought that the murders of the Haysoms were not as serious an offence as the murders together with the severe injuries being inflicted on the Haysoms.

“Those circumstances”, as Beever put it, referred to Soering pleading guilty, even though he thought further offences had been committed after he left the crime scene. If charges of murder included the injuries inflicted, then Soering might consider having to plead guilty to them. Even though he didn’t remember doing them.

That was the context in which he said he could see someone considering pleading guilty to something they didn’t do. He thought that any charges brought against him could be split, he could plead guilty to a lesser charge and get a lesser sentence. Soering thought that a murder with less severe injuries would be a lesser charge than a murder with more severe injuries. An example would be that if a person is killed with a single stab wound, it would not be as serious as being killed with fifty stab wounds. He thought that different levels of injury resulted in different levels of charges. He could then plea bargain and plead guilty to a lesser murder charge. Soering had already told us that he knew about plea bargaining because he had seen it on Cagney and Lacey, and Kojak.

Soering has taken that answer to Beever’s question completely out of the context in which it was made. It wasn’t a warning he was about to give a false confession.

When properly examined, it’s very obvious that the comment is taken out of context because he had already confessed to murder several times beforehand. In order to change the context of his comment about pleading guilty, Soering has to lie. He has to say he retracted his earlier confession, when in reality what he said was that he wouldn’t retract it or add to it. He has to ignore that he also confessed to Beever and to me.

Also remember that a confession is not pleading guilty. They are two different things. Soering’s comment was about a pleading guilty in court, nothing to do with confessions in an interview.

Why are Soering's accusations against Annie Massie so little known?

Over a period of four days, Soering told us investigators that he thought Annie Massie carried out rituals on the dead bodies after he left Loose Chippings. Six months later he told the German Prosecutor that he had discussed this with us. After December 1986, he has never mentioned it. That's the reason why no one knows about it. Soering didn't mention it at his trial and there's not a mention of it in his books.

Why then, did he talk about it over four days of interviews, again with the German Prosecutor, and then never mention it over the last thirty-three years? Again, I'll come back to that question later.

Soering tells us now that in 1986 he was honouring his part of a promise he made to Haysom to confess to the murders he says she committed. He says that he made this promise in their hotel room in 1985. He says she told him some details of the murders, he told her what he had done in Washington, and they agreed to use an alibi that, conveniently, he'd already arranged before he knew about the murders. But where does Annie Massie fit into this alibi? In her interviews, Haysom never said anything about rituals, voodoo, witchcraft or Annie Massie. The truth is, Annie Massie doesn't fit into the story of a pact between Haysom and Soering at all. She doesn't feature in their alibi, and neither does she fit in with the whole version of events now given by Soering. She doesn't fit in, and now Soering no longer mentions her. It would be interesting to see if Annie Massie is mentioned in the original case notes of the psychiatrists that interviewed Soering in 1986. Or, is she mentioned in Soering's grey notebook, the one that he wrote in his early days of his incarceration? When Soering told us how he murdered the Haysoms, and how Annie Massie must have caused further damage to the dead bodies, he said it because he really believed it at that time.

Could it be that when Soering accused Annie Massie of being a witch he was employing some kind of clever trick to make his confessions more believable?

It's difficult to see how adding Annie Massie and witchcraft rituals into his confessions would make them more believable, whether they were true or

false. Soering was very reluctant to speak openly about his accusations against Massie. He wanted to tell us, but he was clearly very nervous about the whole subject. He first named her on day one when no tape recorder was running. His explanation was that if the Haysoms' injuries were that severe, then someone else must have inflicted them. He wanted to confess to what he had done, but he was troubled by the extent of the injuries that had been caused.

Soering also told us that Elizabeth Haysom had asked him what he had done to her parents. He said he told her that he killed them, but that he didn't know anything about any "atrocities". Haysom said that over the weeks after the murders Soering told her he had killed her parents. She said he told her that her father "*wouldn't lie down and die*", a phrase he repeated to us in June 1986, and to the German Prosecutor in December.

Anyone who reads the interview transcripts, after being told about the allegations Soering made against Massie, will quite clearly see that Soering talks about her over the four days of interview. And they will also see clearly that Soering has separated the murders into two different acts. The first act being the murders committed, he said by mistake, the second being "atrocities" committed by someone other than him.

Soering: "If that's the case, okay I'm being hypothetical, alright. Umm if there are emotions such as anger and revenge perhaps, alright, on in fact one of the parties, okay. And the murder was committed, I think there's a huge difference between that and say the same thing happening and then afterwards, I don't know, phone calls being made and the group assembled for some sort of ritual, alright."

Now, back to the question – What was Soering referring to when he said, "*I can see it happening, yes*"?

He was referring to what he called the "atrocities", the atrocities that he said were committed by Annie Massie. He wanted to be in a position to plead guilty to the murders and not guilty to the injuries inflicted. If charges against him could not be separated then pleading guilty to the murders and the so-called atrocities was what he might consider, and what he could see might happen.

During his interviews Soering repeatedly talked about splitting the offences of murder from what he thought had happened after he left the crime scene. He wanted any charges that might be laid against him to be split into three offences - the murder of Derek Haysom, the murder of Nancy Haysom, and the

atrocities committed afterwards. He hoped that the penalty for murder would be less than the penalty for murder plus the “atrocities”.

Almost all of the interview of June 7, 1986, was about splitting the “atrocities” from the murders. That, and where he might be tried. Because we were talking about this throughout the interview, it’s not surprising that it was during this interview that Soering made his comment that he could see it happening. Soering was not warning us investigators that he was about to give a false confession, he wasn’t even talking about confessions. He was talking about charges that might be brought against him, and where he might be tried if he was charged, knowing that it would be unlikely that there would be a separate charge for the so-called “atrocities”. He was saying that he might plead guilty to charges that included the injuries to the Haysoms, even though he thought Annie Massie had caused them.

On June 6, Soering asked us about separating the injuries caused to the bodies of the Haysoms from the murders, and again on June 7, Soering said the following:

Soering: “This kind of question which I want to continue asking you and if you want to turn the tape off by itself because it’s not of interest to the proceedings. And you can go ahead and do that you know.”

Gardner: “It doesn’t make any difference to me, because I’m not going to make any promises to you okay. There’s no way I can make any promises or offer any kind of deals to you. I want you to understand that. I don’t have that authority. Now let’s just go back to what you said a minute ago and I just want to make sure that I heard you correctly. You said, “Would these offences be separate offences”

Soering: “Yea.”

Gardner: “I think that’s what you said. Or would it be a combination ... no that’s not a good word. Would it be separate offences or would they be individual offences, is that what you are saying? Now I don’t know ... you know I don’t know exactly. I can only in my mind ... I think I know what you’re talking about. But I need you to be a little bit more specific and I’m not trying to be tricky.”

Soering: “Right. I’m talking about the actual murders and the atrocities that were apparently committed afterward, alright.”

Gardner: "Okay."

Soering: "Cause to the things I was saying, we talked about they couldn't be separated."

Gardner: "Okay. I think yesterday we discussed the fact and maybe I need to bring this out at this point about the statement that you made and not going back any. Because I don't know what you're saying, but I don't want to get off the point either and drag on because I want you to eat your lunch. But you made the statement that "I did not go to Loose Chippings and kill Mr. and Mrs. Haysom and spread all that voodoo around". Okay, and we asked you to break that down and you said, "I can't say that" or "I can't break it down", It's one complete statement in itself."

Wright: "What he said was he would not at that stage break it down."

Soering: "Right."

Gardner: "Okay. So what you're saying you want to differentiate between the actual killing."

Soering: "Uh huh, yes."

Gardner: "Of the two people."

Soering: "Uh huh."

Gardner: "And the voodooism after the murder."

Soering: "Well I've been told and ... okay it's hearsay for my part. I've been told first of all by the newspaper and then I've heard it from various members of the Haysom family, alright, who have been in closer contact with you during the investigation. Alright I've heard that there were atrocities committed in the house and on the bodies, alright."

Gardner: "Okay."

Soering: "And I was wondering whether taking into consideration what I told you I guess off the record at an earlier point, alright. Even though at this point there's no way to substantiate that, alright."

Gardner: "Okay."

Soering: "Will they be treated as separate offences or the same offence and.."

Gardner: "Okay I understand what you are saying, in other words what you're talking about basically is three different, possible three different charges. I think this is what you are saying. The murder of Mr. Haysom. The murder of Mrs. Haysom and then what you refer or what you call voodooism, the spreading of voodooism at the death scene?"

Soering: "Yes that's what the newspapers call it."

Soering was asked to break down his statement into two parts. We were giving him a chance to deny the murders. He refused to do so. He would not deny murdering Derek and Nancy Haysom. The only thing he would deny was murdering the Haysoms and then "doing voodoo". It was the second part of his statement, "doing voodoo", that he was talking about when he said he could see someone considering pleading guilty to something they hadn't done.

Soering: "How many years would that work out to be in fact."

Gardner: "I don't know. I'd be afraid to quote you, but the point that I'm making or the question I'm asking is do you feel there is a big difference, and obviously there is a big difference in these two charges that I have expressed to you. But do you feel there is a difference. I don't know how to word this or how to ask you. In other words do you feel that what you can tell me or what you said you're willing to tell me will make the difference to whatever the charge is?"

Soering: "Absolutely. I mean to me seems there would be a big difference, alright, if someone had a longstanding, deep disagreement with another person and during the confrontation with that person where both parties, all parties are to some extent under the influence of alcohol, alright."

Gardner: "I'm listening."

Soering: "If that's the case, okay I'm being hypothetical, alright. Umm if there are emotions such as anger and revenge perhaps, alright, on if fact one of the parties, okay. And the murder was committed, I think there's a huge difference between that and say the same thing happening and then afterwards, I don't know, phone calls being made and the group assembled for some sort of ritual, alright."

Gardner: "Uh huh."

Soering: "Now you know, for to me, to me one of them you know is an act that is made impulsively and um you know."

Gardner: "Okay in other words ..."

Soering: "I wouldn't obviously ... it's a gross understatement to call the first act revenge, not revenge but a mistake, alright. But I think there's a big difference between doing that and then you know, and celebrating an act or whatever. Whatever one would call the rituals which according to Howard Haysom, or you via Howard Haysom and the newspapers took place. Alright."

Gardner: "Uh huh."

Soering: "That is what voodoo is, isn't it. I don't know."

Gardner: "I don't either."

Nowadays, Soering tells anyone prepared to listen, that when he said, "*I can see that happening, yes*" he was warning us investigators that he was about to give a false confession. We know already that his comments are taken completely out of context because when he made those comments, he was talking about pleading guilty to something he thought Annie Massie had done. He knew that any murder charges brought against him would include the severe injuries inflicted upon the Haysoms, injuries that he attributed to Massie. But what about the confessions he already made before this? If he was warning us that he was about to give a false confession, does that mean that his multiple confessions made before this point were the truth?

The Governor will be aware already that Soering now says his comment on June 7 was a warning to us that he was about to make a false confession. He says that on June 8, he went on to make that false confession. In his book *Mortal Thoughts*, Soering says that he had not confessed before June 8. This is not true. Soering began to confess on the very first day of his interviews and continued throughout the four days. Even as Soering and I sat waiting to start the interview in which he made his comment about pleading guilty, he admitted to me that he killed the Haysoms.

Soering made many other confessions on June 5, 6 and 7. He also talked about his feelings of remorse for killing the Haysoms. He said he was at Loose Chippings the evening they died. He said when he left the house that night, the Haysoms were dead and drew a sketch showing the positions of the bodies. He told us that Elizabeth Haysom stayed in Washington DC, and he told us that he had drinks with the Haysoms, and much more, including that he taken some items from Loose Chippings and thrown them in a dumpster along with some of his bloody clothing.

For example, on June 5, Soering asked us if it was possible for someone to be tried in the England or West Germany for murders committed in the USA. Beever asked why he wanted to know.

Soering: "Well, if I'm dealt with in West Germany life only amounts to 10 years imprisonment. In England it amounts to about 25 years, but if I'm tried in Virginia they'll fry me. You know, the electric chair."

Beever asked him why he was asking such questions.

Soering: "Because I murdered two people, you know that."

On June 7, I escorted Soering to a shower room to allow him to get washed up. After he showered, I took him to the interview room. This is what he said while he and I sat waiting for Gardner and Beever. Soering asked me what I thought of him. I asked him outright:

Wright: "Jens, did you kill Derek and Nancy Haysom?"

Soering: "You know the answer to that."

Wright: "Yes, I think I do, but you tell me, did you kill them?"

Soering: "Yes, I did."

The multiple confessions from Soering were before he gave his final graphic description on June 8 of how he killed the Haysoms. When Beever asked him if he might consider pleading guilty to something he didn't do, Soering's answer wasn't about pleading guilty to murders he hadn't committed. He was saying he might consider pleading guilty to the murders and to the so-called "atrocities" that he thought Annie Massie had committed.

“Although I admitted during the 8:05 p.m. interrogation that I had been at the scene of crime, I retracted that partial confession the next day and did not admit to killing Derek and Nancy Haysom until the evening of June 8.”

Soering has made two untrue statements above. He did not retract any confessions during the interview of June 6. And he admitted that he murdered the Haysoms several times before June 8.

Once again, the interview of June 6 was requested by Soering. The question being asked is attributed to Wright in the interview transcripts, but I believe the question was being asked by Beever. This is what was said:

DC Wright: “No, she wasn’t on drugs at the end of March, 1985, when you spent that weekend together using the hire car in Washington D.C.? Under those circumstances, you said to us, it was recorded on tape yesterday, discussions together regarding formation of an alibi for you and you also said recorded on the tape that you discussed murder. I take it from that, murder of her parents. Would you care at this stage to enlarge on those discussions that probably took place [?] before that date.”

Soering: “That’s – (stammering)

Beever: “No, Go ahead.”

Soering: “I’m wondering how wise it will be for me to do that at this point. I think the best thing to do is at this point is to leave it at that statement, not add anything and not subtract anything.”

Beever: “So you don’t retract the statement, that is, one of the truths you told us yesterday. That would be right?”

Soering: “I would say, yes, that’s the way I want to leave it right now. OK?”

Beever: “Well, you don’t even want to discuss whether it’s the truth or not? That you told us yesterday.”

Soering: “We did, on that weekend, discuss her going to those movies and purchasing two tickets and we did discuss on that weekend murder. Yes.”

I don't see any retraction of earlier confessions at all. In fact, Soering has made further admissions.

I've already gone through several confessions to murder made by Soering over the period of June 5 to June 8. His confessions were ongoing throughout the interviews. He did not wait until June 8 to confess, he lies again.

I notice that when Soering wrote the above statement in his book *Mortal Thoughts*, he says "*Although I admitted during the 8:05 p.m. interrogation that I had been at the scene of crime...*". To use the words "I admitted" seems to me to be a strange choice of words, especially considering how much time he had to write his book. Unless of course his admission was true, and he has used those words without realising it. Are they the words someone would use many years later when they are claiming they had made a false confession? I wouldn't, especially when I had all the time in the world to choose my words carefully. I would say something like "I told the police that ...", or "I said that...". Of course, I know that this may simply be a bad choice of words, but it could also be that he was at the crime scene the night the victims died, and it was a true admission. Soering repeatedly tells the world how clever he is, and some people claim he has good writing skills. He had all the time in the world and he still said, "I admitted ...".

Why then did Soering bring Annie Massie into the equation back in 1986?

He did so because he wanted to distance himself from the savagery of the attack on the Haysoms. He was prepared to admit to the murders but didn't want to admit to a frenzied attack, he wanted to blame someone else for the massive injuries inflicted. He couldn't remember exactly what he had done to the Haysoms because he was drunk. Put simply, he couldn't remember causing the injuries and he wanted to separate the acts of murder from what he called "atrocities" because he thought it might affect any sentence a court might give him. The interesting thing is, Soering really had convinced himself about Massie, he really believed it. He asked Gardner to investigate her on his return to Virginia. You may think this is just my opinion of what Soering was thinking, but please read the interview transcripts and you will see that Soering was

saying what he was thinking. You will see the true context surrounding his comments about pleading guilty. Be aware that what is recorded on tape is only part of what Soering said. He insisted on turning off the tape on many occasions. Soering said much more about Annie Massie when the tape was turned off at his request.

When the interviews began, Soering assumed that there was evidence in Virginia that confirmed his presence in the crime scene. We were non-committal on the subject. In his mind, his presence in the crime scene was already capable of proof. Consequently, he immediately admitted being at Loose Chippings the night of the murders. He sketched the locations of the bodies and described being in the house the night they died. Over the course of his interviews Soering described killing the Haysoms by cutting their throats, leaving Derek Haysom near the doorway between the dining room and living room, and Nancy Haysom in the kitchen. He told us that he later heard about the massive injuries inflicted on the victims. He had also heard rumours of possible witchcraft or cult connections to the murders. Someone had also told him they thought that the police found two sets of footprints in the crime scene. He repeated about the two sets of footprints to the German Prosecutor months later and the Prosecutor pointed out that he had seen no evidence of two sets of footprints throughout the case paperwork. Soering didn't accept what the German Prosecutor said.

Even though Elizabeth Haysom had said she planned the deaths of her parents with Soering, she also said she was upset by what she had been told about the severe injuries her parents had received. Haysom said that Soering told her he didn't remember everything he had done at Loose Chippings, but he denied the severe injuries. She says he told her that he didn't understand the stories about mutilation, cults and witchcraft. Soering also told us that his memories were vague because it happened a year before we questioned him, and because of the alcohol he had drunk.

According to Soering, he got his ideas about witchcraft and rituals from the newspapers, and from Howard Haysom and Chuck Reid.

Gardner: "Okay. So what you are saying you want to differentiate between the actual killing."

Soering: "Uh huh, yes."

Gardner: "Of the two peoples."

Soering: "Uh huh."

Gardner: "And the voodooism as you say after the murders."

Soering: "Well I've been told and ... okay it's hearsay for my part. I've been told first of all by the newspapers and then I've heard it from various family members of the Haysom family, all right, who have been in closer contact with you during the investigation. All right, I've heard that there were atrocities committed in the house and on the bodies, all right."

Gardner: "Okay."

Soering: "And I was wondering whether taking into consideration what I told you I guess off the record at an earlier point, all right. Even though there at this point there's no way to substantiate that all right."

Gardner: "Okay."

Soering: "Will they be treated as separate offences or as the same offence and ... okay."

Gardner: "Okay I understand what you are saying. In other words what you're talking about basically is three different, possible three different charges."

Soering: "Umm huh!"

Gardner: "I think this is what you are saying. The murder of Mr. Haysom. The murder of Mrs. Haysom and then what you refer or what you call voodooism, the spreading of voodoo at the death scene?"

Soering: "Yes that's what the newspapers call it."

Gardner: "Okay, now let me just ask you this, cause I want to verify this. Have, have I ever, when we were talking in Bedford, since we've talked here or has Mr. Beever or Mr. Wright ever discussed with you the voodooism issue?"

Soering: "Uh huh, right. The voodoo ... the word voodoo I actually got from the Daily Mail. Right."

Gardner: "Okay. Okay."

Soering: "Umm, now along with that I'm going to in my mind at least all right."

Gardner: "Okay."

Soering: "Black magic, whatever that is. All right, well I have some general idea what it is. Would be in the same category, all right."

Gardner: "Okay."

Soering: "And I was told by Howard Haysom, I believe, right, it was with him, you ... I think he was the main liaison person between the Haysom family and the Sheriff's office after the murder."

Gardner; "Okay."

Soering: "That, that occurred, all right."

Gardner: "Okay."

Soering: "So you haven't personally said it to me neither have the British officers said it personally to me, but I'm going from what the newspapers here say and from what Howard Haysom said that you said or Mr. Reid said or the Sheriff's office said. All right."

Gardner: "Okay, Okay. I understand what you're saying. Okay, and I'm not confirming or denying that statement. But I will say and what I am concerned about, what my boss Sheriff Wells is concerned about and what the population of Bedford County and also Lynchburg is concerned about are the murders. Now I don't really care exactly, I, I don't I, really give a damn what happened after the murders. I I could care less, okay? Now I will say that what I'm concerned, is that that, that two people lost their lives. And in my opinion they didn't deserve to die. And that's just in my opinion now, if somebody else has any objection to that that's fine. But I ..."

Soering: "Right."

Gardner: "I don't think the people did anything to deserve to die. What took place after is I would say is, is, is not as important to the actual deaths, okay. But there is definitely ... I'd be foolish to say that there's not an important issue there of why if, if that in fact did happen, why this was done."

Soering: "Uh huh."

Gardner: "Okay. Now answering your question, I don't know. I really don't know. If there is possible you know three, three charges out of this thing. I say charges, three offences, you understand what I'm saying."

Soering: "Umm huh."

Gardner: "I don't know. I can't answer that. But I do know that two people were murdered. And I think that right in itself is the main issue."

Soering: "Hmmm."

Gardner: "Okay. Now bear in mind what we've talked about before. Okay yesterday, especially the conversation that you and I had and these ..."

Soering: "Right."

Gardner: "Gentlemen don't know what was said."

Soering: "Uh huh."

Gardner: "And that's important to me. It's definitely important to me."

Soering: "Well as I understand it, it would also be important to me if I'm going to be charged with crimes, all right. It seems to me that that's going to make a big difference, as to my sentencing all right. If I get sentenced if I get found guilty."

Gardner: "Uh huh."

Soering: "Whether these would be considered part of the same thing. Now apparently you, you can't answer that right now, perhaps."

Gardner: "Okay."

With these rumours in mind, Soering decided that someone must have followed him into the crime scene. It must have been those others that did things to the Haysoms after he killed them. He began to consider who could have seen him leave.

Soering decided that it must have been the family friend of the victims, Annie Massie. At first, Soering was very nervous of naming Annie Massie to us UK officers. He asked for a private talk with Gardner. He told Gardner his suspicions about Annie Massie but said he had no proof of it. He asked Gardner if he would carry out an investigation into Annie Massie and her

witchcraft, or black magic, back in Virginia. From then on, he avoided using her name on tape. Gardner even asked him if he wanted to refer to her by a code name. Gardner did this because Soering wanted to talk about her but didn't want to say her name on tape.

Over the next few days he gradually began to refer to Annie Massie in front of Beever and me, on and off tape. But he avoided using her name on tape as much as possible.

The Governor should be aware that what I've said here is not just my opinion; it's what Soering himself told us. I'm not guessing at what Soering was thinking; I'm repeating what he said.

Soering told us in his interviews that his own memories of the murders were very vague. He said it was perhaps due to the alcohol he consumed, and I think maybe he was also trying to shut it out of his mind. He also told the German Prosecutor about his failing memory.

Interviews of Soering began on June 5, 1986. On the morning of June 5, a UK newspaper ran a front-page story about the arrests of Haysom and Soering.

Note: The newspaper was the "The Daily Mail". In *Mortal Thoughts* Soering has changed that, saying the newspaper was "The Sun". Either he is now telling a lie, or it's a genuine mistake. In 1986, many people in the UK considered The Sun newspaper to be sensationalist, and the lowest form of news. Many people considered The Sun to be one of the "seedier" UK newspapers. Perhaps Soering has simply forgotten which newspaper ran that story, or perhaps he now says the newspaper was The Sun because he attempts to ridicule the article.

The newspaper (The Daily Mail) claimed they were held on suspicion of "voodoo killings". Soering's UK lawyer showed this newspaper to Soering before he went into court that morning. Later that day, during the first interview we asked Soering for background information about the relationships between Elizabeth Haysom and her parents, and the relationship between him and the Haysoms. In the second interview we read extracts of letters written between Soering and Haysom prior to the murders. One such entry, written by Haysom before the murders, referred to voodoo. None of us officers thought it likely there was any cult involvement: It was just something to be aware of if the interview went that way. But, Soering was shown that newspaper headline that morning and a few hours later we were quoting a

letter written to him containing a reference to voodoo. As we went through the interviews, he was intent on convincing us that he was not part of any cult or involved in any witchcraft. He was trying to convince us, even though we didn't think he was. There is no doubt in my mind that Soering had convinced himself that Annie Massie was a witch and that she and others had followed him into the crime scene.

Soering told us that his recollections of the murders were like a series of still life images. There were some things he was sure of, and some he found difficult to remember. He said he drank two or three cans of beer as he drove from Washington DC to Loose Chippings, a journey of around three and a half hours usually. He said that as soon as he arrived at Loose Chippings a strong drink was given to him by Derek Haysom, which he finished, along with several other "stiff drinks". Soering also told us that after the killings when he and Haysom had returned to UVA they didn't talk much about the murders, trying to shut them out of his mind.

"Stiff drinks"

When Soering told us that the Haysoms gave him drinks when he arrived at Loose Chippings, he made another subconscious slip. A slip that came out without him realising it because he was simply telling us what had happened. It was a slip that none of us noticed at the time; after all, he was confessing to a double murder. Now he says his confessions were false. But the "slip" he made in 1986 shows that he did go to Loose Chippings on Saturday, March 30, 1985, and he did brutally murder Derek and Nancy Haysom. This is the seemingly insignificant comment that Soering made:

Soering: "Ah ... my involvement with drugs has been limited to very few ... I'd guess around about four joints in high school ah ... I think I took one puff during my first semester in college, ... it was something really disgusting tasting ah ... that somebody there had and that's the extent of my involvement with drugs ... I haven't taken ..."

Gardner: "Did you drank anything before you got there?"

Soering: "Before I got there ... no"

Gardner: "How many drinks did you have ... approximately, I realise it's been fourteen months ago."

Soering "Right."

Gardner: "While you were there."

Soering: "I guess ... ah ... we were drinking ...they were ... as I said, they were drinking when I came and I was immediately offered a drink and drank continuously while I was there ah ... I don't remember ... I don't I'd have to think about the number, but it ... **it did stick very strongly in my mind that they mixed very stiff drinks ah ...**"

Gardner: "And you a ... much of a drinker?"

Soering: "no ... "

When Soering made the comment "*it did stick very strongly in my mind that they mixed very stiff drinks ah ...*" he was not laying a false trail. He was not giving a false confession. What he was doing was remembering what happened and telling us about it. In doing so he let slip that minor detail.

But Soering didn't make only one slip, the previous day he had said:

Soering interview dated June 6, 1986 at 11.40am:

*Soering...(talking about the Haysom's drinking habits): " My experience with them as I've said before is that, I mean, for me it's hard to picture them without a glass in their hand and **having tasted some of their drinks, it was a stiff one,** so I'm not even necessarily sure that it would be - - it would arouse suspicion on her parent's part that she is drinking too much or something."*

Soering had also referred to the Haysoms drinking habits on June 5, and in his interview with the German Prosecutor in December 1986.

What is it that is so revealing about these comments?

It's obvious that Soering has tasted "stiff" drinks mixed for him by the Haysom's. It slipped out from his subconscious mind when he was talking about the drinking habits of the Haysoms. But, Soering only met with Derek and Nancy Haysom together on one occasion. Soering himself is quite clear about that in all of his writings. They met at a restaurant in Charlottesville. He told Hamilton he had met them twice, but again he said he met them in

restaurants in Charlottesville. Soering had also met Nancy Haysom once before at UVA before Haysom became his girlfriend. The point is this; **when could Soering have tasted “*very stiff drinks*“, or “*a stiff one*” that the Haysoms mixed for him?** Certainly not at a restaurant or at UVA. The one and only time that Soering could ever have tasted a drink mixed by the Haysom’s was at their house, on the day that he went there to confront them about his relationship with their daughter, and on the day that he cut their throats.

Is it possible that Soering could have included this tiny detail deliberately to fool us investigators? No, one only needs to look carefully at the questions and answers leading up to his comments, and following on from them, to see that he was telling us exactly what he was thinking. Don’t forget, three times he mentioned drinking stiff drinks mixed by the Haysoms. Each time he mentioned the stiff drinks the main topic of conversation wasn’t about murders, alibis or atrocities. Soering was thinking and speaking about his own observations on the drinking habits of the Haysoms. He was speaking the truth at that time. The Haysoms had mixed him “stiff drinks” at Loose Chippings on the night he killed them.

On June 8, 1986, Soering finally gave a graphic description of how he murdered Derek and Nancy Haysom. Not surprisingly, when I escorted him back to his cell, he looked to me as though his morale was very low. He looked and spoke as though he was depressed and feeling quite sorry for himself. I decided to sit with him for a while and we just chatted. The conversation we had was never given in evidence. I didn’t even write it down because I knew it wasn’t admissible as evidence, I didn’t remind him of the UK caution, or the US Miranda, and I didn’t try to use our chat against him in court later. We simply chatted, and my intention was to try to make him feel a little less depressed. That conversation may not be admissible as evidence in a court, but I can’t pretend it didn’t happen. Soering confessed to me yet again, and this time he talked about feelings that were very real to him at the time of the murders. Overwhelming fears that someone was watching him and his fear of re-entering the house.

During our cell conversation Soering repeated much of what he had said in his interview. I mainly listened. I wasn’t able to ask him for more details of the murders because our conversation might have then become an interview. Soering mainly described how he felt on the evening he killed the Haysoms. The main theme of our conversation was that when he returned to Loose

Chippings from the dumpster, he had a really strong feeling that he was being watched. I told him that it would be natural, having left a murder scene, to be very nervous about going back inside. He said it was more than nervousness, it was an intense feeling that someone was watching him. He told me that he thought Annie Massie was watching him, but he couldn't prove it.

I told the other investigators and Updike what he had said, and over the last thirty plus years, I've told many other people about that conversation. I know that Soering did kill the Haysoms because of the many things he said during our conversation in the cells that night.

The one person I never told about the cell conversation is Elizabeth Haysom. To this day, she has no idea that I sat and talked to Soering in the cells. Neither did any of us investigators tell Haysom what Soering had said about Annie Massie. And yet, this is what Elizabeth Haysom said in 1987:

Gardner: "Okay, did he tell you he was at Loose Chippings twice that evening?"

Haysom: "Yes, at some point and I really don't, I don't remember when, but it can't be too much later. He told me that he had gone and done it. And for some reason which he never explained to me fully or possibly at all, whatever, he just ... he kept saying he thought somebody was watching him or he hadn't done something [?] He went back"

There is plenty of evidence that in his mind Soering had separated the murders from the "atrocities", atrocities that he says someone else committed. Evidence can even be found in letters he left behind when he fled the US. In the letter he left for his parents there was no outright denial of the murders. Instead, he said:

"There is a chance that certain officer Reid + Gardner will interpret my leaving as being connected to the death of Liz' parents. It's for their benefit that this letter is in English – they have a voyeuristic tendency to read other people's personal mail anyway, and I hope that if I give them a copy of this letter, they will at least leave you the original. Then again, they may not bother you. If they do, you must know what to make of it, you knew me much better than they did. I can only tell you that if they do speak to you, I can almost certainly guarantee you that I did not do what they may think I did. And Kai: Pay the expenses my leaving cost dad from

my CMA (?), take the Scirocco and the 2 accounts and find yourself a good college. And for Christ's sake, don't become a dentist."

There is no denial of the murders in Soering's letter. And he is not saying that he can "almost certainly guarantee" he did not kill them, only that he can almost certainly guarantee he didn't do what "*they may think I did.*" He also left a letter for Reid and Gardner. He demonstrates in that letter that he has separated the killings from the injuries and says, "*From what Liz told me of what you discovered at Loose Chippings, I can only say that I am incapable of such a thing.*" Again, Soering is not saying he is incapable of murder, and again he didn't deny the murders. He only says he is incapable of doing what he was told was discovered at Loose Chippings.

Attack on fellow students at UVA

All of these facts are relevant to the state of mind of Soering. But could he really cause severe injuries to the Haysoms and then not remember doing it?

To answer this question, we must look at what else he has told us.

Soering told us frequently that he didn't usually drink alcohol. In fact, he didn't even like the taste. He said that this was one of the reasons why he didn't fit in with everyone else at school and at UVA. There is no doubt that Soering was not used to drinking. Soering said that he drank cans of beer as he drove to Loose Chippings. He said that when he arrived there, Derek Haysom immediately gave him a drink. This drink was alcohol, but it wasn't beer, it was strong alcoholic spirits. Soering said he drank continuously while he was there, as many as three "stiff drinks", and all within a very short period of time. There is every chance that Soering was intoxicated. This would explain why he slept so easily when he returned to Washington, and why he later couldn't remember things he had done.

I'm aware that being drunk doesn't cause everyone to forget what they did while they were drunk. And, those people who have been known to forget things, may not do so every time they are drunk. Therefore, we must look for any evidence that indicates what can happen to Soering when he drinks heavily. A condition he rarely got himself into. Is there any evidence that forgetfulness is a consequence of Soering drinking alcohol?

Yes, there is. Soering told us that he got drunk only once before at UVA, but he went into more detail when talking to the German Prosecutor. Soering told the

Prosecutor about a holiday in Mexico. This holiday was after he left school and before taking up his position at UVA. What Soering said not only demonstrates that he can forget what he did when he was drunk, it's also an example (provided by Soering) of violent tendencies and loss of self-control. In addition, the relationship he describes with this girl in Mexico, a girl he knew for only a few days, is almost identical to his later relationship with Haysom. Soering said he got drunk because of his love for a girl he met in Mexico, and while he was drunk, he attacked his friends. He attacked his fellow students because of his perceived love for this girl in Mexico. As far as we know, the students he attacked that night didn't receive any serious injuries. Perhaps those students were lucky that Soering hadn't planned the attack beforehand and didn't have access to a weapon.

German Defence Counsel: "Perhaps you can already tell at this point what you told me."

Soering: "Well, as I said before, after having finished high school I took a few days holiday in Mexico and fell in love with a girl. Nothing happened there. When I then got to the university sometime in the middle or beginning of November, I don't know exactly when, I once got completely drunk because of this girl. That was the only time I got drunk to such an extent that I laid down and woke up three, four hours later, being told by all my friends who lived in this apartment, that was in the autumn of 1984, that I attacked one of my friends once or twice and tried to fight with them, but was drunk. I could not remember any of it. They put me into bed again without anything happening. What I drank then was a half a bottle of kalua liquor mixed with half a bottle of vodka, a so-called Black Russian. That was quite a lot and considerably high proof alcohol. That was the only time that I myself have attacked somebody physically, and that was under the influence of the alcohol."

In case you might think that we don't know for sure that the girl in Mexico ever existed, Soering's interviews aren't the only reference to this girl. Soering told the German Prosecutor:

"As said, the only girl with whom I had once a relationship was this girl whom I met during the three weeks summer holidays, 1984 in Mexico. But with her, also, it was a highly problematical relationship which came to nothing. We kissed perhaps three or four times."

In short, Soering met a girl during a three-week holiday in 1984. He knew her for only a few days, and they kissed three or four times. Soering says he was too demanding, and the relationship was problematic and short-lived. Nevertheless, in his mind, Soering was so much in love with the girl he met in Mexico that he got very drunk many weeks later at UVA. While he was drunk, he attacked his fellow students before falling to sleep. When he woke up, he couldn't remember what he had done. Does this sound familiar?

Relationships with girls seem to cause problems for Soering. In a letter written to Haysom when Soering was remanded in custody in the UK, he wrote:

“My relationship with Claudia ended because with her, too, I demanded to be smothered in love, to be non-separate. Anything “less” was not enough. I never gave – I was offered friendship and love but demanded “more” – the lie of non-separateness.”

It seems that when the UK psychiatrists diagnosed that Soering suffered from “folie a deux” it was a recurring illness.

Conclusion:

Jens Soering made detailed confessions to murder throughout his time in police detention in June 1986. All through his interviews he insisted that he was alone at Loose Chippings and that Haysom was in Washington DC. He said that he killed Derek and Nancy Haysom, but he denied inflicting the severe injuries the Haysoms had received. Soering repeatedly accused Annie Massie of going into the crime scene after he left and carrying out some type of ritual on the dead bodies. He said this accounted for what he called “atrocities”. He told us investigators his theory about Annie Massie, and he later referred to it again when being interviewed by the German Prosecutor. He told me that he really thought he was being watched by someone when he went back from the dumpster to Loose Chippings. Haysom says he told her the same thing. He has never mentioned his allegations against Annie Massie since.

Soering considered that three offences had been committed at Loose Chippings. Two murders, and the “atrocities” he says were committed afterwards. He clearly believed Annie Massie had carried out a ritual of some kind. When Soering said he could see someone considering pleading guilty to something they hadn't committed, he had already confessed to murder several times, and he was not warning us that he was about to give a false confession.

It isn't right that Soering can now totally ignore what he said about Massie in 1986. He didn't just make the odd comment about her; it was a theme that ran through the four days of interviews. These allegations against Massie are an important factor when considering whether Soering told the truth in 1986, or if he tells the truth now. I can only think that Soering hasn't told his many followers that he said he thought Annie Massie carried out a ritual on the bodies. You must ask yourself why not? I've no doubt that now he would rather forget that he accused Massie rather than explain what he said. He shouldn't be allowed to do that.

The alibi

Who really stayed in Washington DC all weekend?

Important points

As you read through the facts regarding the alibi, pay particular attention to the five points listed below:

1. A telephone call recorded on the alibi timeline regarding a “MOST” cash card.
2. The hotel security cameras.
3. The testimony of Klaus Soering regarding the finding of the movie tickets.
4. The movie ticket numbers that Soering says support his current version.
5. Notes hand-written by Haysom on a piece of Marriott Hotel notepaper.

I found nothing that adds support to what Soering now says, despite looking very hard. But the points listed above add great weight to what Haysom has said.

When considering whether it was Haysom or Soering who stayed in Washington DC, while the other murdered Derek and Nancy Haysom, there is something that should be borne in mind. It's not something that will immediately confirm who stayed in Washington, but it is worth remembering as you look closer at the actual evidence. What should be remembered are the details Haysom and Soering gave when they were questioned in 1986. Haysom went into detail about what she did in Washington DC but gave very little details about the crime scene. Whereas Soering gave a detailed description of the crime scene and hardly any detail of the alibi.

For several years Soering said that he left Haysom in Washington DC while he drove to Loose Chippings and killed Derek and Nancy Haysom. Now he says that Haysom left him in Washington while she went off to collect a shipment of drugs. He says she came back later and told him she had murdered her parents. He says he didn't know anything about the murders until she told him in the early hours of Sunday morning. The problem for Soering is, at a time

when he says he was on his own and Haysom was away, he was preparing an alibi for two people. Why would he be preparing an alibi for two if he didn't know the Haysoms were about to be killed? Creating this alibi causes him a problem; if he says he was providing an alibi while she murdered her parents, then he admits guilty knowledge before the fact, and he would be a principal in the crime. But Soering hasn't said that. He's said that he was deliberately creating a false alibi for Haysom so that she could lie to her parents about her use of drugs.

By saying that Haysom drove away in the rental car means that Soering has no need to explain the high mileage on the rental car. He can simply say he doesn't know where she went. But he still needs to explain why he was buying movie tickets and room service for two. Soering has come up with a reason why, and I've studied it carefully. The following paragraphs discuss what Soering claims to have taken place in Washington DC in 1985:

First, consider what an alibi is. When an alibi is given it can be the truth, or it may be false; either way it is still an alibi. When an alibi is true it shows that a person could not have committed the crime. If an alibi is false, then it only appears that the person could not have committed the crime.

In the Haysom murder case a joint alibi was put forward by Haysom and Soering during the early part of the investigation. At that time, each of them alibied the other. They told the investigators they were together the whole weekend from Friday, March 29, 1985, through to Sunday, March 31, 1985. They said this in informal interviews with investigators. As the murder enquiry continued the investigators began to be suspicious of Haysom and Soering. To support what they told the investigators the couple saved some documents. These supporting documents - movie tickets and hotel room service receipts - were never shown to the investigators. However, soon after the murders, Elizabeth Haysom did hand over copies to John Lowe, a Charlottesville lawyer, in April 1985. Lowe represented Haysom at that time. In October 1985 Haysom and Soering left Virginia. Investigators remained unaware of the movie tickets and room service receipts until after the arrests of Haysom and Soering over a year later when it was too late to make enquiries about them. Even then, they were only told about the documents and did not have sight of them.

Do not be confused about what the alibi consists of. The alibi is not the movie tickets and the room service paperwork; they are just supporting documents. The real alibi was each of them saying they were together for the whole

weekend when they were not. It was an agreement between the two of them to lie to investigators to avoid arrest. Whether you believe Soering's confessions to murder in 1985, or you believe his much later claim that his murder confessions were false, it makes no difference to the alibi. As far as the alibi goes, it is not a question of whom you believe, because Haysom and Soering both lied. These days, Haysom and Soering no longer support each other, but they both still agree that their alibi was a lie and they were not together throughout the weekend.

Think carefully about how this alibi would work. It was designed to make it appear that they were both in Washington DC, together, all weekend. In his book, written many years later, Soering tells us the same thing. Movie tickets and room service for two were bought in both versions of events, as if they were still together, so nothing has changed in that respect. But Soering now says he bought the movie tickets and room service, not Haysom. He now says she left him to go and collect a shipment of illegal drugs. But Soering contradicts himself with this later claim. He says that he was preparing an alibi for two people, saving the documents to support this; and at the same time he says the documents prove that only he was present when they were bought. Why is it that these documents, originally intended to prove two people were there, now prove that only he was there?

After reading Soering's contradictory statements I've looked very carefully at his new version, and at the supporting documents. If the documents do prove he is innocent, then I would acknowledge that, but I found no evidence to support that he was alone in DC at any time. Neither did I find any evidence that Haysom was not in DC all weekend. I did find evidence that gives a very strong indication that it was Haysom who stayed in DC. Furthermore, some of the details Soering included in his later account are just not true.

Remember that the alibi they gave is always going to be a lie. If his confessions were true and he committed the murders, then when he said he was in Washington with Haysom all weekend, he lied. If he is telling the truth now and didn't commit the murders, he still lied when he said he was with Haysom all weekend. When trying to determine which of the two stayed in Washington the alibi is a smoke screen. You are being asked to decide which of two lies is the better one. In Soering's original version and in his later one, he says the alibi was to make it appear as though they were together all of Saturday evening when they were not.

Great care should be taken when considering the supporting documents. The movie tickets could have been purchased by either of them, or even picked up from the street outside the theaters. There are no names on the tickets, and they were not bought on a credit card, so they provide no evidence whatsoever of who bought them. That leaves the receipt for room service for two at the Marriott Hotel. Either Haysom ordered the room service and signed Soering's name, or Soering ordered the room service and signed his own name. The documents do not confirm which. At this late stage, forensic examination of the movie tickets and room service receipt is likely to be a pointless exercise because they both had access to the items for several months after the murders. It is also unlikely that handwriting analysis of the signature (if it can be found) on the room service receipt would be conclusive as to who wrote the signature.

If a person is present at a location, and that person wants to give the appearance that another person is there with them, when they are not, whose name would they need on any documents? Logically, they would want any documents to bear the name of the person who is not present. In this case the room service receipt was in the name of Soering.

The telephone call

In addition to the movie tickets and room service receipt, there are other documents that we can use to establish which of the two remained in Washington. One document is a record of their alibi, now referred to as the "alibi timeline", compiled by Christine Kim, Haysom and Soering together. Another is the final bill from the Marriott Hotel. And another is a piece of Marriott Hotel notepaper produced by Soering at his trial.

I'll refer to the documents that support the Haysom and Soering alibi collectively as the "alibi package". The package consists of the movie tickets, the hotel paperwork, a few other receipts, and the timeline. The timeline was written soon after the murders, and it was a record of the movements of Haysom and Soering from Friday, March 29 through Wednesday, April 3. They recorded anything and everything that they thought the police could check up on, anything that they thought would support that they were both in Washington all weekend and at UVA until Wednesday, April 3. Regardless of

which of Soering's versions is the truth, the purpose of the timeline was to provide a list of things the police could check on that made it appear that they were both together. Because of this, the events recorded in the alibi timeline can be accepted as a proper chronological order of events.

The timeline has a very interesting event recorded within it. An event that Haysom and Soering wanted to record because back in 1985 they knew it could have been checked when it was still fresh in people's memories:

Extract from the timeline:

19 - 20 1/4	getting back to hotel	called...
20 1/4 - 21 1/2	room service, mess, shower	Charlotte
21 1/2 - 22	getting to ...	for MOST
22 - 24	Stranger in Paradise	(Beth answe...)
SUNDAY		

Under the date of Saturday, March 30, the note at "20 1/4 - 21 1/2" states "room service, mess, shower". Another note has been added with an arrow indicating that this note fits in after the word "shower". On the copy I have access to, this note states, "called Charlottes... for MOST (Beth answe..". I have no doubt that the original states "called Charlottesville for MOST (Beth answered)". The original document should be in Bedford Court records and available to be checked. From this note we know that at some time between 8.15pm and 9.30pm Haysom or Soering made a phone call and someone named Beth answered it. Soering has never mentioned this phone call, perhaps because he didn't make the call and he's forgotten about it. Haysom says that she could not remember the PIN for her card, and she called her dorm at UVA to ask Christine Kim to get the PIN from her room. Beth answered the phone. Beth was a fellow student at UVA living in the same dorm suite as Haysom. This note was made because in 1985, had Beth been asked about this call back then, she would most likely have remembered it.

Haysom and Soering recorded this detail because it was something that the police could check, and it would show that the call was made from Washington. Beth would have verified that she answered the phone and spoke to Haysom that night. This would then be confirmed because there is a charge for a phone call on the itemised Marriott bill:

TG349A03/298L	551	92	89.0
% PRBAL		92	89.0
% PARK			8.0
%G235A03/30BL	551	06	95.0
% PRBAL		06	95.0
% PHONE 5/			2.0
% LD+ST			3.0
% RMSRV			3.0

Soering has either forgotten about this phone call, or he never mentioned it because he knew he could not claim that he made it. For Soering, there is a risk that Beth may still be around today, and she may even remember the call if asked.

Another question should be considered regarding this phone call - could Haysom have still spoken to Beth even if she was away from Washington? The answer is yes, she could have, she could have told Beth she was calling from Washington DC when she was elsewhere. But the whole idea of the alibi timeline was to provide details that could be checked. If the phone call had not been made from the Marriott, it would not appear on the hotel records. Although now we can only see a charge for a phone call on the hotel bill, in 1985 there would have been other records of the number dialled and the duration of the call to enable the call to be billed.

The note on the timeline shows the call was made between 8.15pm and 9.30pm, a time when Haysom and Soering were both supposed to be in DC.

We know that one of them was not actually there. Although not totally conclusive, the note of the phone call answered by Beth is very strong evidence that it was Haysom who stayed in Washington that Saturday night. The telephone number for the UVA dorm would have been on the hotel phone records, and Beth would have said that she answered the phone to Haysom.

Ask yourself a few simple questions:

If Haysom stayed in Washington DC and signed Soering's name for room service, would that help to support an alibi for Soering, which is what they BOTH said she was doing?

Yes, it would. The room service receipt makes it appear that Soering was present with Haysom, when he was not.

If Soering stayed in Washington DC and signed his own name for room service, would that help to support an alibi for Haysom, which is what he NOW says he was doing?

No, it would not. The room service receipt does not support an alibi for Haysom at all. Although Soering says he bought two movie tickets and room service for two as an alibi for Haysom, he did not actually do what he says he was doing.

Why are there no supporting documents in Haysom's name?

The most obvious explanation is that Haysom stayed in Washington DC. Therefore, she would not need to get any documents in her own name because she was there, she would be on the hotel security videos (and we know that they were aware of the hotel cameras because Soering mentioned them in the 1986 interviews), and she would expect people to remember that she was buying the tickets and room service. There was also the phone call

made to Beth who would verify she spoke to Haysom. There was no need for her to get any documentation in her name. If, soon after the murders, investigators had collected the hotel security videos and phone records; and had asked theater and hotel staff if they remembered who bought the tickets and room service; they would remember Haysom. Then she could use the documents to make it look like Soering was also there.

Why are the supporting documents in Soering's name?

This is a reversal of the question above. If Soering left Haysom in Washington, then he would need her to get documents in his name to make it appear as though he was still with Haysom. Haysom forging Soering's signature on the room service receipt would help to support an alibi for Soering.

During the investigation in Virginia, Haysom and Soering alibied each other. After their arrests in 1986, they were questioned as suspects about the murders. They no longer denied the murders and therefore they had no need to maintain the false alibi. When interviewed independently, they both said that Haysom stayed in Washington while Soering went to the home of the Haysoms and murdered them. They both said the movie tickets and room service for two were to support their alibi.

In 1990, Soering changed his story about who stayed in Washington DC. He now said that he was in Washington all weekend but Haysom left him for several hours. In this new version he still agrees the 1985 alibi was a lie. What he changed was the reason why he lied. This later explanation about the alibi is in two parts, and its rather complicated. Soering has written a full account of this later version in his book 'Mortal Thoughts'.

Please do not allow Soering to confuse the issues at hand. The joint alibi was that they were both in DC all weekend. That has not changed. You are not being asked to believe one of two different alibis; Soering is asking you to decide which of his reasons for lying is the truth. That is an entirely different decision.

Because the movie tickets and room service receipts were intended to show that Haysom and Soering were both present at the relevant times, they are of

little use when trying to establish which of the two was not present. All that can be done is to look carefully at the reasons they give for lying, and what they say was the purpose of the false alibi. Having done that, then look carefully at the known facts to see if those facts fit with the reasons they give. When considering this, a most important point to bear in mind is whether any more lies been told over the years since the murders. Lies that can be proven to be lies, without having to choose who to believe.

The reason Haysom gave for the false alibi

Because Haysom's reason for lying about the alibi has never changed, her reason for the false alibi will be considered first.

In 1985 Haysom provided Investigators with an alibi for herself and Soering. In 1986 she admitted her involvement in planning the murders of her parents and her efforts to provide a false alibi for them both. She said that Soering took the rental car leaving her alone in DC. Haysom was to go to the movies and buy two tickets, and order room service for two at the hotel forging his signature, all to make it appear that they were still together in DC on Saturday afternoon and evening. In short, Haysom said she lied in 1985 to convince the police that she and Soering were in DC and therefore they could not have committed the murders.

This explanation does make sense. The movie theater staff would see her when she bought the tickets, proof enough that she was still there, and no need for supporting documents in her name. And two movie tickets implied that two people were present. If the police questioned their alibi, the supporting documents would show that they did go to Washington. The hotel staff would remember them checking in and checking out. Hotel staff would remember supplying her with room service and Soering's name on the receipt would make it appear that he was also there. And Haysom would be seen on hotel security videos. Their joint alibi, backed up by the documentary evidence, would be likely to satisfy police investigators.

If what she says is the truth, the reason she gives for obtaining the supporting documents makes perfect sense.

The 1st reason Soering gave for the false alibi:

Soering's first explanation stood unaltered for over four years and was presented as the truth to the police, a plethora of Soering's lawyers/solicitors, the German Prosecutor, the German Defense Counsel, the Bow Street Magistrates Court, at least two psychiatrists, the European Commission and the European Court of Human Rights. What Soering is saying now is that he lied to the investigators in 1985 when he said he knew nothing about the murders. He says he was lying again when he confessed to the murders in 1986 (even though at the time he insisted he was telling the truth); and he insists again that he is telling the truth now when he says he didn't commit the murders. He insists, even though I know much of what he now says is untrue.

When arrested in 1986, Soering admitted that he murdered Derek and Nancy Haysom, saying that Elizabeth Haysom stayed in Washington DC to create an alibi for them both. It's obvious that Soering's reason for lying to the investigators in 1985 was to convince them that he and Haysom could not be involved in the murders. This first reason remained unaltered over several years. It only changed at his trial in 1990.

If what Soering originally said was the truth and he did commit the murders, the reason he gave for Haysom obtaining the supporting documents to the false alibi makes perfect sense.

The 2nd reason Soering gave for the false alibi

In 1990 Soering still said that the alibi was a lie. But now he said that he lied for a different reason. In fact, what he now says is so complicated it's difficult to express in a way that makes any sense.

The first bit is simple enough, Soering has taken what they said in 1986 and reversed the roles that he and Haysom played. He now says he stayed in Washington DC while Elizabeth Haysom left him for a few hours on Saturday, March 30, and into the early hours of Sunday. From here on, his explanation for the false alibi gets very complicated indeed.

Soering says that Haysom left him alone in DC, telling him she was taking the rental car to collect a large shipment of illegal drugs. This leads to a very obvious question – if he didn't know she was going to murder her parents then

why did he make it look like she was still with him? According to Soering, Haysom asked him to buy two movie tickets and room service for two while she was away so that she could prove to her parents that she no longer used drugs. He doesn't say he was doing this to protect Haysom from an arrest connected to the drugs shipment. He says it was to prove to Haysom's parents that she was in DC with him without their consent. This would somehow prove that Elizabeth Haysom no longer used drugs. Somehow, producing movie tickets and room service bills would add credibility to her denials. He goes on to say he would need to do this just in case Elizabeth Haysom's drug dealer told her parents that she was still using drugs.

“Liz explained. If she did not fulfil her promise to transport the drugs, Jack would snitch to her parents. He would tell them that, contrary to her claims and promises, Elizabeth was still using drugs -- such as on that certain weekend she had spent in Washington with her new boyfriend, Jens, without asking her parents' permission!”

“Even worse, she would not be able to deny making our trip to Washington without her parents' permission; the Haysoms could easily confirm that part of Jack's story. And once they caught her in one lie they would immediately assume that Jack's accusations of drug use were also true.”

According to Soering, when Haysom returned to him she told him she had murdered her parents. He says that he agreed to take the blame for the murders to protect her from the electric chair, but he would not confess until there was no other choice. If they were to be asked, at first, they would both say that they were together in DC and at UVA when the murders took place.

He continues, saying that when Elizabeth Haysom told him that her parents were dead, he realised that the false alibi he says he had already created could still be used. But not to show the Haysoms, because they were dead. Instead, Soering could use the false alibi if the police asked where Elizabeth Haysom was that weekend. He could say she was with him in Washington DC and thereby protect her from arrest.

If this second reason for the false alibi is the truth, then it should be logical and make sense. But it doesn't, it makes no sense whatsoever. If Soering had no knowledge of the murders until that Sunday morning, and it was he who stayed in Washington, was he really buying two movie tickets to prove that

Haysom no longer used drugs? Movie tickets have no names on them, and they would not prove who bought them. Having a movie ticket doesn't even prove that you went to the movie. They certainly wouldn't prove that Elizabeth Haysom no longer used drugs. Was he really ordering room service for two to prove that Haysom no longer used drugs? They already had ample proof of the Washington trip - they had car rental papers and the hotel bill. They had other room service receipts for meals when they really were together. Would documents covering just a few hours of the weekend really prove to the Haysoms that Elizabeth Haysom no longer used drugs? Wherever Haysom was that Saturday night, no documents would prove she no longer used drugs. The movie tickets and room service receipt would fail dismally in that respect.

For the reasons just stated, what Soering says now is utter rubbish. Those reasons are compelling enough, but the most telling fact is that although Soering has come up with this fantastic story about drug dealers and large shipments of drugs, he has overlooked the fact that he didn't do what he says he was doing. He hasn't provided an alibi for Haysom at all. The only one alibied by the documents is Soering.

At the time of the murders Elizabeth Haysom was a 20 years old student at UVA. During term times she lived in Charlottesville, away from her parents. Her parents could not control what she was doing when she was at UVA. It's probable that in a university town like Charlottesville, Haysom could get drugs at any time she wanted, and she could spend as much time as she liked with Soering. If this drug dealer, whom no one except Soering has ever mentioned, did tell her parents she was on drugs, and she denied it, why would owning up to a weekend away with her boyfriend add any credibility to her denials?

Before going on to examine the account given by Soering in 'Mortal Thoughts', ask yourself this simple question:

Did Soering actually provide an alibi for Haysom to give to her parents?

The answer is that he did not. They alibied each other to the police in 1985, they both admitted the alibi was a lie in 1986, and in his current version, although he says he was providing an alibi for Haysom, it's Soering's own name on the room service receipt. If he had signed for the room service in Haysom's

name, then maybe that would have provided an alibi for Haysom to show her parents. Not only is it a far stretch to believe he was preparing an alibi to provide to Derek and Nancy Haysom, we also find that he didn't provide an alibi for her at all. The name 'Jens Soering' on the room service receipt only provides an alibi for him.

The hotel security cameras

The Marriott Hotel had security cameras in the hotel. There is a very revealing aspect to this, one which shows that Soering's original confessions to murder were the truth. He really did go to Loose Chippings and brutally kill Derek and Nancy Haysom. While he was doing that, Haysom was going to and from their room at the Marriott in full view of the hotel cameras. That's why she didn't need any documents in her name.

Soering didn't claim that his murder confessions were false until his trial in 1990. By then, he knew that the prosecution did not have CCTV footage from the Marriott. But in 1985, when preparing the false alibi, Haysom didn't know that the police would not recover the videos. Neither did Soering, and he certainly didn't know it when he was interviewed in 1986.

The following comment made by Soering reveals the truth. Above all others, this one statement by Soering shows that he was telling the truth when he confessed to the killings. This is what he said on June 5, 1986:

Beever: "Did you throw your clothes away that evening or early the following morning?"

Soering: "Ah ... I think both... I mean."

Beever: "Are you saying both ... both items or both ..."

Soering: "Both times"

Beever: "In separate places? I, what sort of place did you throw them away?"

Soering: "Ah ... trash ...(inaudible) ...trash bin ... and stuff like that."

Garder: "Trash bins?"

Beever: "Between Loose Chippings and D.C.?"

Soering: "Um... "

Beever: "That would mean that you arrived back at D.C. with no trousers on, wouldn't it?"

Soering: "Um ... yes, there could be a video tape of the elevator, which does show me without my trousers on because that's in fact what happened."

Beever: "You went back to the Marriott Hotel?"

Soering: "Yea."

Gardner: "You drove all the way up from Lynchburg to Washington, from Loose Chippings to Washington with no britches on, no trousers?"

Soering thought there was a video of him returning to the hotel with no trousers on. He was not telling lies trying to protect Haysom. This was the truth. In 1986, Soering thought that the investigators would have CCTV footage from the Marriott. He thought we would see him returning to the Marriott wearing no trousers.

Two scenarios are possible: The first is that Soering committed the murders and as he said, he did return with no trousers on. The second is that his multiple confessions were false, and any video footage would show that he stayed in Washington that night. It's obvious that if Soering made a false confession he wanted us investigators to believe him. Otherwise, he would not be protecting Haysom. Recovering the hotel videos would have been very useful, but even without them, much is revealed by Soering's answers. He drew our attention to the camera covering the hotel elevator. He did this for one reason only; he assumed that videos had been seized and he wanted us to check the video to verify what he was saying. We would see that he did return to the Marriott with Haysom and with no trousers on. If his confessions were false and he wanted us to believe him, he would not ask us to check the hotel surveillance videos because they would contradict what he was saying.

The alibi in 'Mortal Thoughts' by Jens Soering

Around 1995, after he had many years of opportunity to study the evidence available, Soering gave his very detailed explanation about the false alibi in his book. Although it's rather tedious reading, his explanation is reproduced here exactly as found on the internet, and observations can be made about it:

Notes:

1. He says that Haysom returned to the Marriott at 2pm. It is accepted that he means 2am.
2. Grammar and spelling errors are by Soering.

"For the rest of the morning and the early afternoon Liz and I window-shopped. I remember passing an importer of Thai silk, a reminder of my place of birth transported half-way across the world. To make up for the lowbrow movie of the previous night we decided to re-establish our credentials as connoisseurs of pomposity by purchasing a white-sleeved LP by the Art Ensemble of Chicago. Later we got back into our car and drove north on Wisconsin Avenue again, past the ugly German Embassy building on our right. It was about 3:30 p.m. when Elizabeth and I decided to park again and have a late lunch. The restaurant where we stopped was decorated with a train motif: there were trains painted on the walls, drawn on the menus and printed on the napkins. Sigmund Freud would have had a fit over all that phallic imagery, I joked. We had a pleasant, if unremarkable meal and afterwards relaxed over a couple of soft drinks. The conversation began as so many others had before: Jens, I have a small confession to make. . . !

I was neither shocked nor worried. In the three and a half months we had been in love Liz had already had to confess quite a lot to me. Both of us saw my forgiveness as a foregone conclusion, I am sure. Elizabeth's newest little confession in the restaurant was that she was still using heroin. Two months earlier, after she had shown me the needle mark on her arm, she had promised me that she would stop. Of course Liz apologised profusely for her lying and her continuing

addiction. She was throwing herself completely on my mercy, she said, but if I sent her away now she would understand. She knew she did not deserve me, but she would continue to love me from afar! In fact Elizabeth gave me almost exactly the same speech now that she had written me three weeks earlier in the letter from her spring skiing vacation in Colorado:

-- 60 - + "Hate me, shout at me, torture me, make me rob the Federal Reserve -- whatever -- but please hug me when we meet. I will do anything to compensate. You're the only person I've ever loved, and you're the only person who has ever really loved me. You are my life. To have any deception remaining in my life would be unbearable. It is time to risk all for the truth -- may some fate, god, realize that the horror of this truth and confession and all that it entails is more than equal to all my scheming deception in the past. You know the whole truth, nobody else on this planet has a glimmer of the whole truth of Elizabeth Roxanne Haysom, for I have deceived them all to a lesser or greater degree -- please don't create the greatest irony of my life. All my defences are down -- there is nothing left but raw flesh -- love in its real form is a truly revolutionary thing. I love you, and no matter what your judgement -- I will always love you." 4:1 (rtn 4:1) I forgave Liz for the lies she had confessed in that letter. And three weeks later in the restaurant in Washington I forgave her again for lying about her drug addiction. I begged Elizabeth to stop apologising and reassured her that I loved her. She could hardly blame herself for her heroin addiction, since that dependency was a disease, not a sin. A member of my own family had problems with alcohol, so I knew what a terrible psychological toll such an addiction took. If anything, I should apologise to her for not having noticed, for not having won her trust so she could have sought my help sooner! Anything I could do now to help her kick her habit, I would do. She only had to say the word.

-- 61 - + Liz thanked me for my understanding and concern. She swore that she had now resolved to break her addiction for good! Unfortunately there was just one little problem: she had run up a debt with her dealer, Jack Bauer.

*I knew Jack because he had received a Jefferson scholarship from U. Va.'s Alumni Association two years before me. We had met again outside Alumni Association functions because he was one of the many older, effeminate, pseudo-artistic drug users who frequently dropped by Elizabeth's dorm room in the fall semester of 1984. Liz had met Jack through her parents. Jack's father was a local Lynchburg judge and thus moved in the same social circles as Mr. and Mrs. Haysom. In her Christmas diary-letter Elizabeth had written me that **Jack had given her some marijuana joints and asked her to join a menage a trois with his black homosexual lover**. Naturally I offered to pay Liz's debt to Jack. I thought it could only amount to a few hundred dollars, and her freedom from her addiction was worth much more than that to me! Again Elizabeth thanked me profusely, and again she raised a new problem. She had already **arranged to pay off her debts to Jack by picking up a large shipment of drugs in Washington this weekend and bringing it back to U. Va. when we returned on Sunday**. Since the whole thing had already been set up she could not back out now. **Jack was no longer interested in money but only in her courier run**. Telling him to get lost was no option either, Liz explained. **If she did not fulfil her promise to transport the drugs, Jack would snitch to her parents. He would tell then that, contrary to her claims and promises, Elizabeth was still using drugs** -- such as on that certain weekend she had spent in Washington with her new boyfriend, Jens, without asking her parents' permission!*

*-- 62 -- Of course Mr. and Mrs. Haysom would believe Jack's story. He was a scholarship winner, a judge's son, practically an old friend of the family. Jack might be unabashedly homosexual, **but he had never been suspected of drug use, much less drug dealing**. Liz, on the other hand, had a reputation for lying and had even run away to Europe to live as a junky and tramp. Even worse, **she would not be able to deny making our trip to Washington without her parents' permission; the Haysoms could easily confirm that part of Jack's story**. And once they caught her in one lie they would immediately assume that Jack's accusations of drug use were also true. Elizabeth's explanation made sense to me. She would have to transport the drugs. Of course I insisted that I accompany her when she went to pick up the shipment from the dealer in Washington. I had no illusions about my*

intimidating anyone, but it seemed obvious that I could not let her go alone! Liz, however, objected once again. Jack had arranged for her to pick up the drugs alone, and if two people suddenly showed up the dealer would get nervous. Who knew what might happen then? Also, I was so very obviously not a drug user that the dealer would refuse to do business around me for fear of being arrested. Elizabeth thus not only had to pick up the drugs, but she would have to do so without me.

In any case there was no time for further conversation: the last part of Liz's little confession was that she was scheduled to pick up the drug shipment very soon. She had to leave more or less straight away, and she wanted to know where she could drop me off. Finally I objected a little more strenuously. I needed to think this over! What, for instance, would stop Jack from blackmailing her again and again into making courier runs?

*-- 63 -- I am not sure, but I think I remember relief passing across Elizabeth's face when I asked this question. She certainly had an answer ready! While she was picking up the drugs I should go to a movie and purchase two tickets as an alibi. Then, if Jack snitched to her parents, she would admit to having been in Washington with her boyfriend without their permission. Confessing that much would establish a little credibility. **But after a great show of digging through her various pockets Liz could fish out a pair of ticket stubs. A set of two tickets would help support her claim that she had been with me the whole weekend,** and no one could possibly suspect Jens Soering of abusing drugs. This alibi would surely be enough to protect her from at least some of her parents' wrath, Elizabeth told me. Right now, however, there was no more time! She had to leave without further delay, and she needed to know if she could trust me and rely on me -- please? The pressure for an immediate decision and Liz's puppy-dog pleading silenced my internal alarm bells. The alibi was harebrained but not actually harmful; I would go along with it to calm her today and to end her addiction to heroin later. We climbed into the car and discussed this so-called alibi further on the short drive to the nearest movie theater. **She dropped me off around 4:30 p.m., and I watched the 5:05 p.m. showing of the film "Witness" with two ticket stubs in my pocket.** When I arrived by taxi back at the hotel at about 7:30 p.m.*

I cashed a personal check at the front desk. After I had paid for the room with my father's VISA card the previous evening Elizabeth had put the entire refund into her wallet. In the rush to meet her drug dealer she had driven off with all the money, leaving me with only a few dollars in cash. On the back of my check the hotel cashier noted details from my driver's license, took an imprint of the VISA card, asked me to sign again, and initialed and dated the whole thing.

- - 64 - + I went to our room and waited. Liz had told me that picking up the drugs would take at least two hours, so she should be returning soon. I turned on the TV and flipped through the channels, unable to concentrate because of my fear for Elizabeth's safety.

I got up and paced. I sat back down. The whole foolish, dangerous mess would blow up in our faces, I was sure of it! But it was too late to turn back now. Liz was relying on me and this stupid alibi. The nonsense with the two tickets was unnecessary and unworkable, of course, but I had given my word! Perhaps it would all work out. Finally I ordered room service for two, another part of the alibi which Elizabeth and I had discussed before her departure. If she turned up soon, we could at least have a snack before going out again! I definitely remember the hors d'oeuvres of pink shrimp fanned out atop lettuce leaves on glass plates, but I simply cannot recall the entrees: Welsh rarebit or something simple like that. I signed the room service bill and was given a small torn-off receipt. But Liz did not arrive. So around 9:30 p.m. I gave up waiting and proceeded to the final stage of the so-called alibi. I took a taxi to a small movie theater and bought two tickets for the 10:15 p.m. showing of the film "Stranger Than Paradise." Screamin' Jay Hawkins' rendition of "I Put A Spell On You," the film's theme music, seemed an appropriately ironic comment on my nervous await for Elizabeth! I chuckled to myself and hoped she was safe.

- - 65 - + As soon as the movie ended I rushed to the nearest pay telephone on Wisconsin Avenue to call our hotel room. Of course no one answered. I had almost expected the endless ringing and finally lost my temper. The whole evening, half of our weekend in Washington, had been a complete waste of time and money! I was sick and tired of waiting around for Liz and her stupid drug deal, and I

was sick and tired of this wasteful idiocy of buying tickets and meals for two! Angrily I stomped onto Wisconsin Avenue and waved down a taxi. I was going to see the special midnight showing of the "Rocky Horror Picture Show" at a small theater in the heart of Georgetown -- and with only one ticket, too! Whenever Elizabeth deigned to carry her precious behind back to the hotel, she could wait for me for once! I arrived at the Marriott around 2:00 p.m. in a huff, fully expecting Liz to be waiting for me. But our room key was still at the front desk! In the room I began pacing again, sitting down to flip some channels on the TV, and pacing some more. Something had gone wrong, I just knew it! I started to regret my anger at Elizabeth. She was not late, she was in trouble! And I had no idea how to find her or help her. I should have refused to go along with this drug deal, or I should have at least accompanied Liz!"

There are some serious flaws with this 2nd version given by Soering:

"Even worse, she would not be able to deny making our trip to Washington without her parents' permission; the Haysoms could easily confirm that part of Jack's story. And once they caught her in one lie they would immediately assume that Jack's accusations of drug use were also true."

What is Soering telling us here? If the Haysom's could easily confirm that Elizabeth Haysom went to Washington with Soering, without their consent, then why would he need documents to prove that she did. Why would he need documents specific to Saturday night? He says, *"she would not be able to deny making our trip to Washington"*, and then, *"And once they caught her in one lie"*. If she would not be able to deny the trip, she would not need to lie, and she wouldn't be caught out telling a lie. He clearly includes a much wider timescale than one weekend saying, *"...Elizabeth was still using drugs -- such as on that certain weekend she had spent in Washington with her new boyfriend, Jens..."*, so providing an alibi for a few hours on that Saturday night would be pointless. Soering is saying the documents would prove that Haysom went to DC with him, but he's already said that she wouldn't be able to deny going to Washington, so which lie is it that the Haysoms would catch her out on?

“She had already arranged to pay off her debts to Jack by picking up a large shipment of drugs in Washington this weekend and bringing it back to U. Va. when we returned on Sunday.”

If you believe what Soering is saying, then note that he is not only saying he agreed to stay in Washington while she collected a shipment of drugs, he is saying that he agreed to participate in the drugs run, even offering to go with her to collect the drugs. He says that he and Haysom would take the *“large shipment of drugs”* back to UVA - *“when we returned to UVA on Sunday.”* Perhaps this is a very minor detail, but I mention it because Soering says in his book that he hasn’t committed any crimes except fraud and, being an accessory to murder after the fact (fraud offences are offences involving dishonesty). If you believe his current version of events, he was willing to possess and help transport illegal drugs. Perhaps the honest and ‘clean cut’ image Soering portrays is not so accurate after all.

“Elizabeth's newest little confession in the restaurant was that she was still using heroin. Two months earlier, after she had shown me the needle mark on her arm, she had promised me that she would stop.”

No one, except Soering, has ever said anything about Haysom injecting heroin. This claim is not corroborated in any way. Haysom herself has said that she ‘scored’ some heroin while she was alone in Washington. But the strange thing about her alleged addiction to heroin is that she never mentioned it in any of the private correspondence between her and Soering from 1984 and into 1985. Neither was it ever mentioned in any of their writings during their travel from the USA to Asia and eventually to the UK. Nowhere is there any reference to injecting heroin with a needle, except in this one account written by Soering several years later. Nowhere, in any witness statements, letters, the diary, or even in any rumours that I’m aware of, does anyone mention ever seeing any needles or other paraphernalia for injecting heroin. When Haysom was in police detention she never displayed any signs of being an addict. Over the years, I have known many people who injected heroin. I’ve known them as suspects, as witnesses and as victims. There were always signs of their addiction, such as multiple needle marks and paraphernalia for injecting. I

don't doubt that Haysom did use heroin, but I do seriously doubt that she injected it.

Why does Soering choose to identify the alleged drug dealer as Jim Farmer (Jack Bauer)?

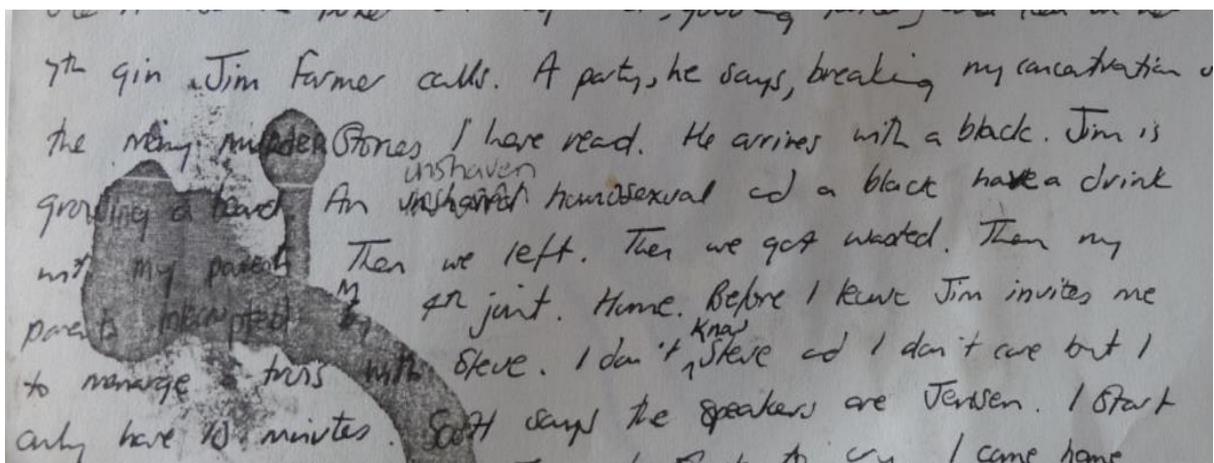
"Jack might be unabashedly homosexual, but he had never been suspected of drug use, much less drug dealing."

In this early draft of his book, Soering has named the alleged drug dealer as Jack Bauer. Elsewhere he has been less considerate, and the information he gives identifies the man he accuses of being Haysom's drug dealer as Jim Farmer. Not only does Soering accuse Farmer of being her drug dealer, but he is suggesting that he was her accomplice to murder. When talking about Farmer, Soering says, *"he had never been suspected of drug use, much less drug dealing."* If Farmer had never been suspected, then why does Soering name him as Haysom's drug dealer and a brutal murderer?

Soering has chosen to accuse Farmer because of a comment Haysom made in one of her letters to him. He says:

"In her Christmas diary-letter Elizabeth had written me that Jack had given her some marijuana joints and asked her to join a menage a trois with his black homosexual lover."

The following is what Haysom's letter says does say:



7th gin Jim Farmer calls. A party, he says, breaking my concentration of the many murder stories I have read. He arrives with a black. Jim is growing a beard. An ^{unshaven} ~~unshaven~~ homosexual and a black have a drink with my parents. Then we left. Then we got wasted. Then my parents interrupted ^{my} for joint. Home. Before I leave Jim invites me to manage ^{the} ~~the~~ ^{truss} ~~truss~~ with Steve. I don't ^{know} Steve and I don't care but I only have 10 minutes. Scott says the speakers are Jensen. I start to cry. I come home

“Jim Farmer calls. A party, he says, breaking my concentration on the many murder stories I have read. He arrives with a black. Jim is growing a beard. An unshaven homosexual and a black have a drink with my parents. Then we left. Then we got wasted. Then my parents interrupted my 4th joint. Home.”

As is usual with Soering, he doesn't stick to what the letter says. In his re-iteration he's added that Farmer gave Haysom some “joints”, but the letter does not say that.

This letter was written by Haysom to Soering over several days in December 1984. In it Haysom described a scene when Jim Farmer visited the Haysom house, together with a friend of his. She says in the letter that she left the house to go to a party with Farmer and his friend. She then writes *“Then got wasted.”* She also mentions a *“4th joint.”* It is not clear from the letter if this event really took place or if it is fiction. What is clear is that nowhere does it say that Farmer is a drug dealer. Haysom does not say where she got the ‘joints’ from. Maybe she did get them from Farmer or his friend, maybe she had them before she left home, maybe she got them at the party, or maybe none of this took place. These few words taken from her letter, with no other evidence whatsoever, provide Soering with somewhere to hang his drug dealer theory. To suit his purposes, Soering has decided that Farmer is a drug dealer. Not just a drug dealer supplying a few ‘joints’, but one who is involved in transporting large drugs shipments from Washington DC to Charlottesville. He has then further promoted Farmer among the ranks of drug dealers to be a dealer and transporter of heroin. From there he has gone even further and suggested that Farmer is guilty of the double homicide of the Haysoms. At the same time, in his book ‘Mortal Thoughts’ he refers to Farmer and says, *“he had never been suspected of drug use, much less drug dealing.”*

Over thirty years have passed since the murders in 1985. As far as I'm aware, Farmer was never arrested in connection with any drug shipments or any violent crimes. Surely, if Farmer really was the serious criminal portrayed by Soering, he would have come to police notice sooner or later.

“What, for instance, would stop Jack from blackmailing her again and again into making courier runs?”

-- 63 - + I am not sure, but I think I remember relief passing across Elizabeth's face when I asked this question. She certainly had an answer

ready! Chile she was picking up the drugs I should go to a movie and purchase two tickets as an alibi. Then, if Jack snitched to her parents, she would admit to having been in Washington with her boyfriend without their permission. Confessing that much would establish a little credibility. But after a great show of digging through her various pockets Liz could fish out a pair of ticket stubs. A set of two tickets would help support her claim that she had been with me the whole weekend, and no one could possibly suspect Jens Soering of abusing drugs. This alibi would surely be enough to protect her from at least some of her parents' wrath, Elizabeth told me."

I have been a detective for over 30 years, and I've heard many ridiculous excuses and lies, and this one is right up there with the best. How would two movie tickets prevent Haysom's drug dealer from blackmailing her? How is going to the movies providing an alibi for Haysom? An alibi for what exactly? How would admitting that she made the Washington trip without her parents' consent add credibility to her denials about using drugs? How on earth would two movie ticket stubs for movies that lasted only a few hours support that Haysom was with Soering "*the whole weekend.*"? And last, but not least, where is the alibi he says he was preparing for Haysom?

Soering tells us that he was being heroic, saving Haysom from the electric chair. Did Soering actually protect Haysom when they were arrested for murder? No, he did not. Did he alone accept responsibility for the murders and say that Haysom knew nothing about it? No, he did not. Did he say that Haysom was only an accessory after the fact? No, he did not. He didn't protect Haysom in any way whatsoever.

On June 5, the first day of interviews, Soering immediately implicated Haysom as an equal partner in the crime of murder. He told us they had discussed murdering her parents and that although Haysom wasn't with him at the crime scene, she bought the movie tickets and room service as part of a joint conspiracy to commit the murders. What he said, and the documentary evidence, together with what Haysom said, resulted in Haysom being indicted for two counts of 1st degree murder. She was treated as a principal in the crimes. Soering did not provide any protection for her at all. For all he knew Haysom may have gone to the electric chair based on his evidence. He didn't know that she wasn't likely to get the death penalty. He didn't know the finer

points of US and Virginia law. He demonstrated this in his interviews by asking us the difference between capital murder, 1st degree murder and 2nd degree murder. He asked these questions after he had already implicated Haysom as a principal, leaving her at the mercy of the Virginia law on murder. In reality, he never protected her at all. Throughout his interviews Soering implicated Haysom as an accessory before the fact. The only thing he said in her favour was that he was worried she might try to accept more blame than she deserved. He never once asked what would happen to her; he was only concerned with what was going to happen to him.

Soering has had many years of studying the evidence that was presented in court. But when he writes about any one incident, he finds it difficult to shut out knowledge he gained at a later stage, knowledge he didn't have at the time of the incident. For example:

"I took a taxi to a small movie theater and bought two tickets for the 10:15 p.m. showing of the film "Stranger Than Paradise." Screamin' Jay Hawkins' rendition of "I Put A Spell On You," the film's theme music, seemed an appropriately ironic comment on my nervous await for Elizabeth! I chuckled to myself and hoped she was safe."

This is pure fiction. On the night of Saturday, March 30, 1985, why would Soering chuckle to himself over the irony of the film's theme music? He's so wrapped up in telling a good lie that he forgets that the theme music shouldn't seem ironic to him then. He didn't know yet that he would later be diagnosed as suffering from folie a deux. He isn't saying it seems ironic when looking back, he is saying that he thought at the time that it was ironic. Although this is a minor point, it does show that his book is a work of fiction not fact.

The movie tickets

The first time that Soering ever mentioned the movie tickets to investigators was during an interview on June 5, 1986. He also told Investigators that the names of the movies theaters were scribbled on *"the piece of paper"*. He was referring to the piece of paper on which Haysom and Soering's movements were recorded. The piece of paper now referred to as the "timeline":

Soering: "Yea ...ah, earlier before the tape was on I ...I made at least ...I made to of those slips which I'm deep impression that Elizabeth had come with me to Loose Chippings, she did in fact, not, ah, and I'm worried that she's going to try to play the hero and in her statement suggest that she did come with me to ... so that she would then be sharing whatever burden there is ...whatever punishment ... more equally ... and like I said, in fact, she did not come with me ...ah, she stayed in D.C., going to the movies to Witness and to The Rocky Horror Picture Show for which you have the tickets of those days and ah, I don't know whether that's enough to place her there from me, but, like I said, I ah, I'm telling the truth now, she did not come with me, if she told the truth, she will say the same thing ...ah, I would like to ..."

Gardner: "Do you remember what theater ... that's that movie was playing?"

Soering: "I remember the last one ... it was ... well, I didn't remember the names, o.k., they should be on the piece of paper, alright, they should be scribbled on there somewhere."

When Soering said this, it was a full year after the murders. He was not sure where the movie tickets were, and he thought we investigators had found them in his belongings. This is not surprising because he had left the US in a hurry, forgetting to take his letters, and he had to ask Haysom to collect them for him. Note that Soering does not mention going to see the movie "Stranger Than Paradise". Haysom did, and she said that seeing that movie wasn't part of the original plan. Perhaps that's why Soering forgot to mention it in 1986?

In 'Mortal Thoughts' Soering continues and then discusses the production of the movie tickets at his trial:

"At last prosecutor Updike was ready to introduce his star witness, Elizabeth Haysom. My lawyers and I knew of course that she would claim I had killed her parents while she had remained in Washington D.C. During cross-examination my attorneys planned to question Liz closely on the many changes in her story of how she allegedly arranged an alibi for me. Neither she nor prosecutor Updike knew that I had saved the

actual movie ticket stubs from the weekend of my killings; my father later found them in my college dorm room. Through this documentation the defence hoped to prove that Elizabeth was not the one who had remained behind in Washington, and that she had in fact driven to Lynchburg to commit murder.

This is another lie. I've lost count now of how many lies there have been. *"Neither she nor prosecutor Updike knew that I had saved the actual movie ticket stubs from the weekend of my killings"*. Of course Haysom knew; the whole point of buying two tickets was to keep them. She knew because she helped to write the timeline document and she copied them and gave the copies to her lawyer in April 1985. Updike knew of this years before Soering's trial and in 1990 he asked Haysom if Lowe might have them. The whole purpose of the alibi was to save the documents to back up their statements. And doesn't Soering say that he was buying the tickets to show to her parents?

Klaus Soering:

Klaus Soering, the father of Jens Soering, gave evidence when his son was tried on charges of murder. I don't believe that the testimony of Klaus Soering was a pivotal factor in the trial, but through his testimony the defense attempted to attach a high level of importance to where the alibi movie tickets were found. They say that finding the movie tickets in Soering's dorm adds credibility to his claim of innocence. The reality is, it does not matter where they were found because Haysom and Soering both had access to them for several months, regardless of where the originals were.

The Soering defense also presented Klaus Soering to undermine testimony from Elizabeth Haysom. By doing so, sowing the seed that she always lies. She testified that in October 1985 there were phone calls between Klaus and Jens Soering talking about the Haysom murder investigation. Klaus Soering was asked if he had spoken to his son about the investigation and he denied any such conversations.

Neaton: "Elizabeth Haysom has testified about conversations that your son allegedly had with you in October of 1985. I'd like to ask you, did you

have any telephone conversations with your son Jens regarding the police investigation of the Haysom murders in October of 1985?

Klaus Soering: "Certainly not."

I know better than most that Elizabeth Haysom can tell lies, but the defense were presenting Klaus Soering's testimony as if it is unassailable. The inference being that Haysom must be lying because Klaus Soering denied that the calls took place. I don't know if those telephone conversations took place or not, but I do know that the testimony of Klaus Soering is in itself questionable, and it rings alarm bells for me. What he said in evidence gives rise to numerous questions and raises serious doubt about his credibility. I wouldn't rely too heavily on what Klaus Soering said without subjecting his testimony to further scrutiny. As said earlier, his testimony isn't pivotal to the case, but if one uses his testimony to gauge whether Elizabeth Haysom is lying, then great care should be taken.

Klaus Soering knew that Elizabeth Haysom was the girlfriend of his son. He also knew that her parents had been murdered. In October 1985, he found out that his son and Haysom had suddenly disappeared from UVA, walking away from elite scholarships, and abandoning a car at an airport. These facts alone would, at the very minimum, give rise to some questions about why they left so suddenly. Was the reason for leaving connected with the deaths of the Haysoms? Klaus Soering knew his son was a suspect in the Haysom murders, and he knew who officers Reid and Gardner were. He knew these things because Jens Soering left him a letter telling him so. It is clear from the wording of that letter that Klaus Soering was already aware of the murder investigation. In the letter Jens Soering wrote, *"There is a chance that certain officers Reid and Gardner will interpret my leaving as being connected with the death of Liz's parents."*

But when Klaus Soering gave evidence he was asked:

Neaton: "When is the first time that you learned that your son was a suspect or arrested in this case?"

Klaus Soering: "Beginning of June 1986."

This is another very minor point, but there are others in the testimony of Klaus Soering that are more difficult to rationalise.

During the testimony of Klaus Soering, a letter written by Jens Soering was mentioned. It was written to Elizabeth Haysom when Soering was in custody in the UK. In the letter Soering told Haysom that he had received a telephone call from his family. When he wrote the letter, Soering was in custody for fraud and didn't yet know he was about to be arrested for the murders. When Soering was arrested for murder, Ken Beever and I informed the German Embassy in London and Soering was then allowed to speak with Embassy staff. On June 8, 1986, Klaus Soering sent copies of the movie tickets to a Charlottesville lawyer named Hogshire, indicating that he was by then aware that his son had been arrested for murder. The movie tickets were nothing to do with the UK frauds so the Haysom murder enquiry would be the only reason for Klaus Soering to have an interest in the movie tickets.

Klaus Soering testified that he found the movie tickets on December 6 or 7, 1985. Jens Soering left the US two months before then. Klaus Soering testified that in 1986, he stapled the movie tickets to a piece of paper so that they were more easily copied.

Neaton: "Well what was the condition of the tickets and all the other items that are stapled on that piece of paper when you found them in Jen's dorm?"

Klaus Soering: "They were in an envelope, loosely put in an envelope, and I stapled them on this piece of paper so they would be easily photocopied."

Neaton: "And when do you recall that you stapled them on that piece of paper?"

Klaus Soering: "It must have been shortly before I sent the photocopy to Mr. Hogshire."

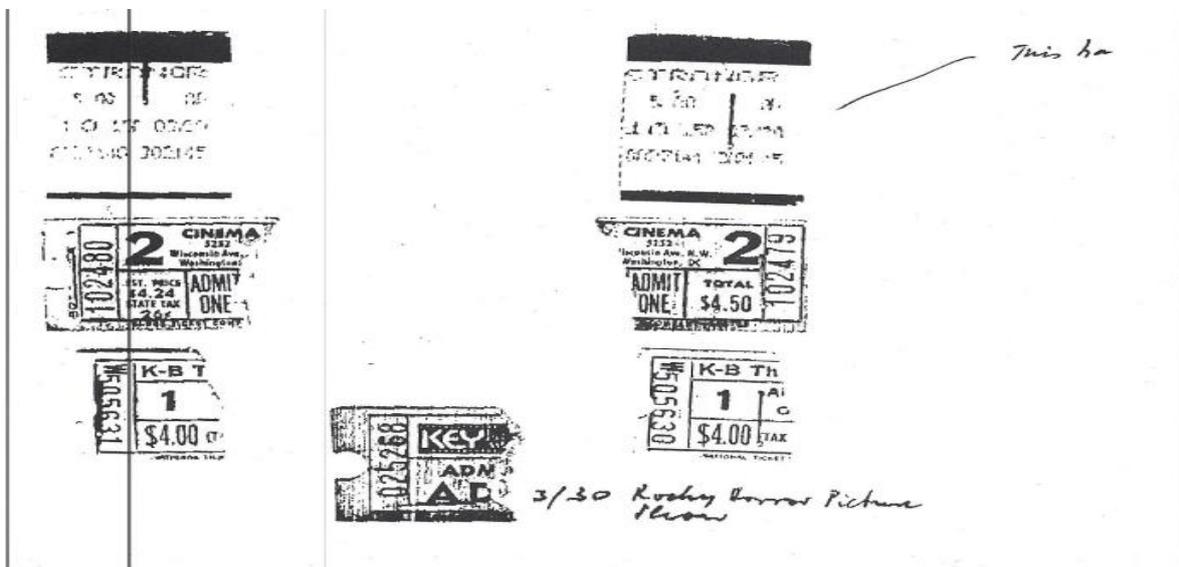
Neaton: "And that would have been in 1986, you believe, sir?"

Klaus Soering: "That's correct."

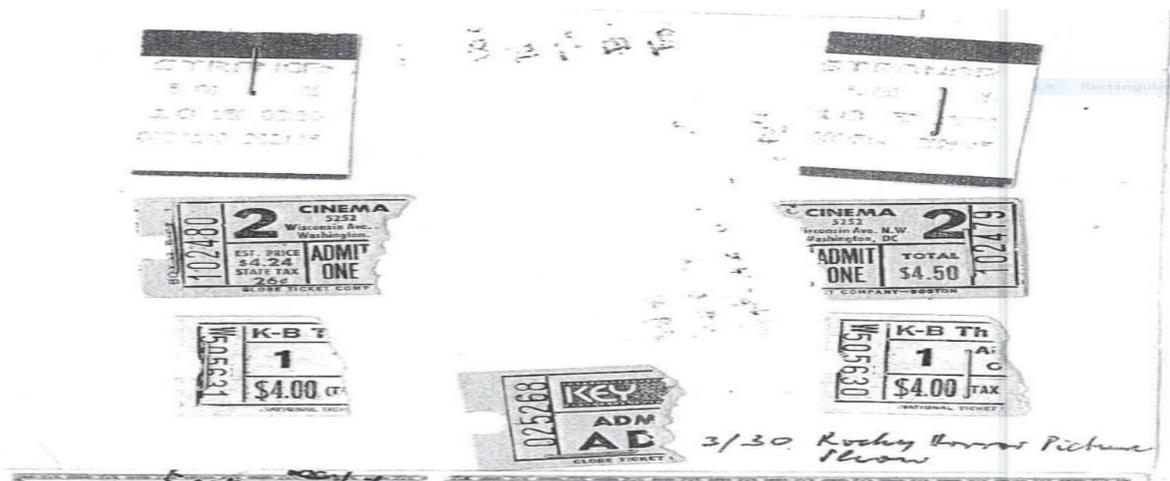
In his testimony Klaus Soering was referring to Defense Exhibit 20. Commonwealth's Exhibit #349 had already been introduced by Updike and contained copies of the same movie tickets. The copies of the tickets in Commonwealth's Exhibit #349 were given to John Lowe by Elizabeth Haysom in April 1985. If one compares Defense Exhibit 20 with Commonwealth's Exhibit #349 it is very clear they are copies of the same documents. The movie

tickets are stapled in the same positions on the page relative to each other, the staples are in the same places on the tickets, and the tickets are torn in the same way. Without any doubt, they are copies of the same original documents. So here is a difficult question; how could Haysom have supplied copies to John Lowe, showing the movie tickets already stapled on the sheet of paper, if Klaus Soering didn't staple them until eight months later? Obviously, she could not. This suggests that the tickets were already stapled to the piece of paper long before Klaus Soering ever found them. This casts serious doubt on the testimony of Klaus Soering. Perhaps he was doing what many fathers would do, trying to be truthful, and yet, at the same time trying not to say anything that might incriminate his son.

Prosecution copy of movie tickets:

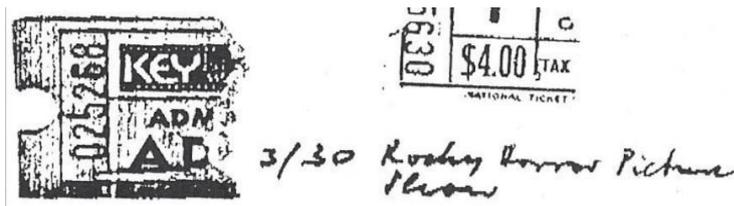


Defense copy of movie tickets:



John Lowe received a copy of the movie tickets from Haysom in April 1985. He received another copy of the same documents from Hogshire in June 1986. Perhaps, when Lowe faxed the documents to Updike, he sent the Hogshire copies by mistake? Then the testimony of Klaus Soering could make sense; he could have found the tickets in December 1985 and stapled them to the piece of paper in 1986. But there's another problem with Klaus Soering claiming he stapled the movie tickets to the piece of paper, one that's even more difficult to explain. Jens Soering's handwriting is on the sheet of paper the movie tickets are stapled to.

At the time when Klaus Soering says he was attaching the movie tickets to the piece of paper, his son was in custody in the UK. How could his son write a note on that piece of paper? Jens Soering had left the US before his father found the tickets and long before Klaus Soering is supposed to have attached the movie tickets to the paper. If Klaus Soering found the movie tickets in December 1985, then later took a blank piece of paper from his office, or wherever he was at the time, and stapled the movie tickets to it, when could Jens Soering have written a note on that sheet of paper saying "3/30 Rocky Horror Picture Show"?



Without any other explanation it seems impossible that Klaus Soering could have attached the movie tickets to the piece of paper. The tickets were most likely attached, and the hand-written note was most likely made by Jens Soering, around the time that Soering, Haysom and Christine Kim wrote out the alibi timeline, and certainly before Haysom supplied Lowe with a copy.

Perhaps I have misunderstood something, and I'm wrong. Perhaps there is another explanation, but, on the facts as I understand them, Klaus Soering could not have stapled the movie tickets to the sheet of paper.

Updike

Updike knew for a long time before Soering's trial that the movie tickets existed. He knew because Soering had discussed them in the June 1986 interviews, and Updike also knew that during the Haysom sentencing hearing in 1987 her defense lawyers had tried to locate them. I will discuss this further in the following paragraphs.

But then occurred yet another one of those bizarre turns of events which so frequently altered the course of this case. Not long after my arrest in 1986 my father had contacted John Lowe, a well-known Virginian criminal defence lawyer, to discuss his representation of me at a possible trial. Realising the importance of the cinema tickets, my father had faxed this attorney copies of these and other documents he had found in my room. Mr. Lowe eventually did not join my defence team, but like any good lawyer he kept his records intact -- including the faxes my father had sent him. On the eve of Liz's grand appearance on the witness stand John Lowe decided to turn over the faxed copies of the movie tickets to prosecutor Updike. So flustered did he become that he asked for a short recess in court, to allow him to digest the startling news. He realised immediately that a busy night lay ahead of Elizabeth and him, since they would have to correct large portions of her upcoming testimony. For my attorneys and me Mr. Lowe's decision to help the Commonwealth's Attorney was a major disaster, of course, though we were lucky in one respect: those old faxes of the tickets were so unclear that the starting times of the films were illegible. At least the defence would still be able to prove Liz a liar on that subject."

Here, Soering gives us details that anyone involved in the case knows to be untrue and misleading. If Soering's 2nd version of why he provided a false alibi were true, there could be no reason for him to lie about any of the facts. But Soering has lied repeatedly and now he lies about John Lowe and the production of the alibi documents. People reading his book would not recognise the lies, but those with an intimate knowledge of the case do.

From April 1985, John Lowe represented Elizabeth Haysom. Klaus Soering did not contact Lowe, he contacted another lawyer, named Hogshire, who in turn contacted Lowe. When Lowe was contacted, it was not as Soering says, to ask

him to represent his son. Hogshire was liaising with Lowe regarding the alibi documents. It was Hogshire who faxed the copies to Lowe, not Klaus Soering. Klaus Soering himself testified to this sequence of events. Lowe didn't decide to hand over the documents to Updike, *"On the eve of Liz's grand appearance on the witness stand"*, it was Updike who requested them from Lowe. The Soering defense were not the first to adduce the timeline and movie tickets into evidence, Updike did, and he was not at all flustered. Updike was not telling Haysom what to say and did not need to *"correct large portions of her upcoming testimony"*. Finally, if the starting times of the movies are illegible how can Soering use them to prove Haysom was lying? In this one paragraph alone, there are at least six lies.

These are more of the small details that have been changed by Soering over the years. Each detail seems minor when considered in isolation, but cumulatively they alter the truth significantly.

"Through this documentation the defence hoped to prove that Elizabeth was not the one who had remained behind in Washington, and that she had in fact driven to Lynchburg to commit murder."

How could the documentation prove that Soering was the one who stayed in Washington? The movie tickets do not show who bought them, and the room service receipt does not prove who signed it. In both of Soering's explanations for creating a false alibi the documents were intended to make it appear that Haysom and Soering were both in Washington. Now he tries to fool you, saying that they show that only he was there.

At his trial, Soering also produced a cancelled check dated March 30, 1985, a Saturday, made out to "The Marriott" with "Cash in DC" thereon. But there is no evidence to show when this check was encashed. The cancelled check doesn't help to determine who stayed in Washington because the time it was cashed is not recorded. It's also strange that the check isn't mentioned in the timeline. Soering made no mention of this check at any time in the previous five years before his trial. There is an entry in the alibi timeline for that Saturday morning saying, "finding cash". This is the most likely time that the check was cashed but it is impossible to know for sure. There certainly isn't any evidence to prove that Soering cashed the check during the evening of Saturday, March 30. I can also say for certain that the cancelled check was not mentioned to us investigators at any time.

“Not long after my arrest in 1986 my father had contacted John Lowe, a well-known Virginian criminal defence lawyer, to discuss his representation of me at a possible trial.”

This statement is another blatant lie. I’ve already discussed above that Hogshire was the lawyer retained by the Soering family, and that he contacted John Lowe. Klaus Soering testified that he collected Soering’s belongings from his dorm on December 6 or 7, 1985. He said he sent photocopies of the original alibi documents to Hogshire, not John Lowe. On June 8, 1986, Hogshire wrote to John Lowe and sent him copies of the documents. Klaus Soering has never said that he contacted John Lowe.

“Mr. Lowe eventually did not join my defence team, but like any good lawyer he kept his records intact -- including the faxes my father had sent him.”

Another lie by Soering. The lawyer John Lowe was never going to be part of the Soering defense team because he had already represented Haysom. Remember that when Hogshire sent Lowe copies of the alibi documents in 1986, Lowe already had copies of the same documents sent to him a year earlier by Elizabeth Haysom.

“On the eve of Liz's grand appearance on the witness stand John Lowe decided to turn over the faxed copies of the movie tickets to prosecutor Updike. So flustered did he become that he asked for a short recess in court, to allow him to digest the startling news.”

Here Soering re-writes history again. What really happened is that Updike introduced the movie tickets, timeline and hotel documents into evidence before the Soering defense team did. Updike knew that Lowe might have copies of the documents. The defense lawyers representing Elizabeth Haysom at her sentencing hearing several years earlier had tried to locate them. Updike knew of that. John Lowe didn’t suddenly decide to hand them over to Updike. It was Updike who contacted Lowe looking for the documents. Lowe then asked for permission from Haysom to release them, and he subsequently sent them to Updike. Updike was not ‘flustered’ at all, he received the documents at his own request.

“He realised immediately that a busy night lay ahead of Elizabeth and him, since they would have to correct large portions of her upcoming testimony.”

In this statement Soering, a convicted fraudster and known liar, makes a very serious allegation against Updike. Soering is going further than saying that Haysom was coached in her testimony, he is saying that Haysom and Updike colluded together to pervert the course of justice. He is saying that they had prepared what she was going to say, and now that the alibi documents were introduced, they would have to “*correct large portions*” and say something different. It is a ridiculous allegation in the first place, but it is made even more ridiculous by the fact that Updike was already aware that the alibi documents existed somewhere, and he knew a long time before the trial began. It was Updike who requested the documents from Lowe, and it was Updike who first entered the documents as evidence.

Soering gives an account of events tailored to fit with what he now says. But events did not happen how he says they did. The involvement of the lawyer John Lowe did not come about how Soering would have you believe. His father’s reference to John Lowe is more accurate, even though some parts of the Klaus Soering testimony are also dubious. Soering has altered events to mislead his readers. Misrepresenting subsidiary details may not sound important, but there should be no need to lie about any of the investigation or trial if he didn’t commit the murders.

Soering can’t even pretend to be mistaken about the role of Lowe and Hogshire. He can’t say that he doesn’t know that Lowe was hired to represent Haysom:

“- - 79 - + But Liz always hated any weakness in herself, and during April of 1985 she certainly needed all her strength. I remember her half-brothers calling a meeting at Mrs. Waitie's house to announce that police considered her the prime suspect in her parents' murders. Tomorrow they would hire one of the top local attorneys to persuade the Bedford County Sheriff's Department to drop this line of inquiry. Though I am not sure, I believe I also remember the Haysom siblings discussing how to use the media in order to maximise the pressure on law enforcement authorities.”

The alibi itself

What Haysom and Soering both said in 1985 and 1986 is all too familiar to us by now, but when questioned in 1985, Haysom and Soering both said that from Friday, March 29, through Sunday, March 31, they were together in Washington DC. They said that they then returned to UVA on Sunday, March 31, and remained there. The dead bodies of Derek and Nancy Haysom were found on Wednesday, April 3. Stating the obvious, Haysom's alibi was that when her parents were murdered, she was in DC and then UVA, and that Soering could confirm that. Of course, Soering's alibi was the same, but in reverse, his alibi being that he was in Washington DC, and Haysom could confirm that. To confirm what they both said they provided details of the rental car and the hotel where they stayed.

Records did show that Haysom had rented a vehicle on Friday, March 29 and returned it on Sunday, March 31. Investigators checked the mileage recorded on the rental car. They found that the mileage was much higher than expected. Haysom and Soering were equal suspects from then onwards. Hotel records also showed that a room was rented in the name of Elizabeth Haysom at the Marriott Hotel in DC. The hotel bill was paid for on a credit card in the name of Klaus Soering. The documentary evidence available appears to confirm that they were both in Washington DC but does not account for their whereabouts throughout the whole weekend.

At that stage in 1985, the investigators were not yet aware of the movie tickets and room service receipts that Haysom and Soering had kept in support of their verbal statements.

It is very easy to succumb to the idea that the movie tickets and hotel paperwork are the complete alibi. In fact, the actual alibis are the verbal statements they made to the police. The paperwork was only intended to confirm what they said. It was a joint alibi, each relying on the other to confirm that they were together throughout the weekend. The documentary evidence is not the alibi per se, it only appears to support certain parts of what they said.

During questioning in London in 1986, neither Haysom or Soering gave an alibi, false or otherwise. They both said that they had rented a car and travelled to Washington DC that weekend, and that they did rent a room at the Marriott. Then, independently of each other, they confessed to their roles in the

murders. Haysom and Soering both said that Haysom's role was to create an alibi in Washington and Soering was to drive to Loose Chippings and kill the Haysoms if they wouldn't support his relationship with their daughter. Over the years since those confessions Haysom has never changed this version of events. Soering continued saying the same until his trial in 1990, then he said that he stayed in Washington and Haysom went away for several hours. At his trial Soering claimed that Haysom returned to him in the early hours of Sunday morning and told him she had killed her parents.

The documentary evidence available in support of the alibi does not determine with certainty which of them is now telling the truth or which one is not. In fact, taken on face value, the documentary evidence does exactly what it was intended to do; it suggests that they both stayed in Washington DC on Saturday night. But there are a few minor details that give us clues.

The room service ordered on Saturday evening was not the only room service that was ordered during their stay in DC. There were two room service orders shown on the final hotel bill, and three shown on a timeline prepared by Haysom, Soering and Christine Kim. If the purpose of ordering room service for two on Saturday night was to prove that Haysom no longer used drugs, as Soering now says, and it was nothing to do with the murders, then why choose only one room service receipt to show that Haysom was there? If Soering played no part in the murders, and if preparing an alibi was to prove Haysom no longer used drugs, there would be no need, and no reason whatsoever, to create an alibi specific to Saturday night only. The convoluted story about proving Haysom was no longer using drugs does not add up.

Buying two movie tickets and room service for two, to show to the Haysoms, is nonsensical; it doesn't even go part way towards what Soering says he was trying to do.

The alibi timeline

Haysom and Soering together, prepared an itinerary of their movements covering Friday, March 29, 1985 through Wednesday, April 3, 1985. This itinerary has since been referred to as a 'timeline'. They were assisted in writing this timeline by Christine Kim. It is not surprising that Kim assisted them to write this timeline because she, and others, were with Haysom and Soering

on several occasions during the period in question. After their weekend in Washington DC, Haysom and Soering returned to UVA. The dead bodies of the Haysoms were not discovered until Wednesday. Kim's memories of their movements on Friday, and from Sunday through until Wednesday, would add credence to their false alibi. If the alibi was only for Saturday, March 30, 1985, that would itself be suspicious as it would indicate knowledge of the exact time of the murders. They needed to have an alibi right up to the time the bodies were found. Despite the innuendo by Harding, there is no evidence that Kim knew that Haysom and/or Soering were involved in the murders when she helped them write the timeline. For some reason, a reason that isn't explained, Harding says that having help from Christine Kim to write the timeline indicates guilt, but guilt only by Haysom, not Soering. It appears that she was simply helping them to recall the locations and times she was with them in Charlottesville, on the Friday and Monday through Wednesday, and writing it all down. Furthermore, Soering was present when the timeline was written out. Why does it imply guilt for Haysom when it doesn't imply any guilt for Soering?

Several days elapsed between when the Haysoms were last seen alive and when their dead bodies were found. The exact date and time of their deaths can only be estimated. Considering what Haysom has said, and all the versions given by Soering, it is generally accepted that the Haysoms were murdered on Saturday, March 30, 1985.

Soering actively participated in the preparation of the timeline for that weekend, including the record of Saturday. It was written when events were still fresh in their minds, and when they both thought they loved each other and wanted to protect each other. The events they recorded were events that they would want the police to be able to check had the police known about them. They lied about being together for a reason, and whichever reason you believe, the timeline supports them all. If Haysom and Soering committed the murders, or, if Haysom did so without Soering, the timeline was still a record of their alibi. Therefore, the timeline can be accepted, with caution, as a list of events that did happen and could have been checked back in 1985.

When viewing the timeline, you must also consider what is not recorded in it. In 1985 Haysom and Soering were pretending that they were together throughout the weekend and recording anything in the timeline that the police could have checked on, and yet there is no mention of the check for \$50. Why

is that? If the check was cashed by Soering that Saturday night, would recording it in the timeline have later shown his confessions were obviously false? No, recording the cashing of the check would make no difference at all to their alibi because they would simply say that they were together when it was cashed. Events recorded in the timeline for either individual would be endorsed by the other saying they were present when it happened. Exactly like the movie tickets and the room service order for two. The introduction of the cancelled check at the trial of Soering, many years after their arrests, does not prove which of the two stayed in Washington.

Soering might say that he couldn't control what is written in the timeline because he did not assist in writing it. And yet, Soering's handwriting appears on the paper that the alibi documents are stapled to. He has made a note against the movie tickets. If Soering did not participate in writing the timeline, when could he have annotated the movie tickets with his handwriting? Soering's handwriting is on the copy that Haysom gave to Lowe in April 1985.

Soering would have you believe that he produced the alibi documents at court, after his father found them in Soering's dorm room. What really happened is that it was Elizabeth Haysom who first produced the documents in 1985 when she gave a copy to John Lowe. It was Updike who first produced the alibi documents at court during Soering's trial, after he received them from John Lowe. Soering subsequently produced the same movie tickets and hotel paperwork during his defense and added the cancelled check. Soering would have you believe that he saved the original alibi documents and that no one else knew about them. Again, this is not how events took place. Haysom and Soering both knew about the documents, and they both knew copies were made. One could put forward an argument and say that if Soering left DC to commit the murders the documents would be more important to him and that's why he kept them. The simple truth is that it is not relevant who kept the original documents, and it doesn't matter where they were found.

John Lowe was given a copy of the alibi documents because Haysom was interviewed by Bedford County Investigators in 1985. She told the Investigators the story previously agreed by her and Soering. She told them the story that we are now very familiar with, that they were together in Washington DC for the whole of the weekend. But Haysom felt intimidated by the investigators questions and she told her family so. Lawyer John C. Lowe was hired to represent Haysom. Haysom gave a copy of the timeline to Lowe, together with

copies of the movie tickets and room service receipts. Lowe retained those copies in his files, not to see the light of day again until 1990. Updike then contacted Lowe asking him to send the 'alibi package' to the Commonwealth Attorney's Office. Lowe sent those copies to Updike on June 12, 1990. Updike then produced them in the Soering trial as part of the prosecution case (Commonwealth Exhibit #349). Soering produced the exact same copies in his defense a few days later (Defense Exhibits #19 and #20).

Although I'm not an expert on the laws of Virginia, the production of Defense Exhibits #19 and #20, does not appear to have been done in an entirely honest way. Exhibits #19 and #20 are the defense copies of the alibi documents. Soering's father testified that he found the movie tickets and hotel paperwork in an envelope when cleaning out Soering's dorm room on December 6 or 7, 1985. He testified that he gave the documents to a Charlottesville lawyer (Hogshire). Hogshire wrote to Lowe about the documents on June 8, 1986. The documents were eventually given to Defense Counsel Neaton in 1989. So, between Hogshire and Neaton, the defense had the alibi documents for at least four years before the trial. They did not disclose them to the court. When the defense did produce them, they did so purporting that the documents proved that Soering was the one who stayed in Washington. I would expect that the Discovery rules that apply to a prosecution in Virginia court proceedings will have an equivalent rule that applies to the defense. It would not be right for the defense to have knowledge of a fact that they intend to make use of, and not bring it to the attention of the prosecution. To allow that type of 'ambush defense' would deny the prosecution any chance to make enquiries to verify the facts. In some circumstances, if the facts withheld by the defense were exculpatory, by withholding them the defense could be withholding evidence that could lead to the charges against their own client being withdrawn. But Soering never disclosed that he had the movie tickets and hotel paperwork. Soering and his father were aware of the alibi documents in June 1986. In 1986 Soering knew that Haysom had also confessed to her part in the murders and by December he knew she was intending to plead guilty. Klaus Soering had the documents from December 1985, Hogshire had them from June 8, 1986, and Neaton had them for many months before Soering's trial. Not once were they ever mentioned. By failing to disclose the movie tickets before his trial, Soering ensured that it was too late for police to make enquiries at the movie theaters and hotel. By revealing them during the trial, he made sure that there was no time to check them

properly. It's also a clear demonstration of how Soering tried to manipulate evidence to mislead the jury.

When all has been said about where the movie tickets were found, and what their location implies, the movie tickets are simply a 'red herring'. The movie tickets and room service receipts were the joint property of Haysom and Soering, and they both had access to them for a considerable length of time before they left the US. Clearly, copies were made of the documents. Overall, it does not matter who had the originals or in whose dorm they were eventually recovered from, they add no weight to what either Haysom or Soering has said.

A year after the murders, Haysom was interviewed by investigators in London. She initially told them that Soering left her alone in DC on Saturday evening, to go and meet some friends elsewhere in Washington. At this point in her interviews she was trying to deny any knowledge of the murders. She said Soering told her to go to some movies, buy two tickets and that he might join her later at the cinema. She said she went alone to the movies, buying two tickets and expecting Soering to join her. She said that later she went back to the Marriott Hotel alone and ordered room service for two people, again, in case Soering might join her. She said she signed for the room service using Soering's signature. Haysom said that it had been arranged with Soering that if he hadn't returned to her by that time, she was to go to the Rocky Horror Picture Show as a final meeting place. She said that she didn't know where he had gone and didn't know why he wanted her to do these things. When challenged by the investigators she told a different story, saying that when creating this alibi, she knew that Soering had gone to her parent's house, possibly to kill them, while she remained in DC. Even though her explanation changed during that interview, the alibi details did not. Since that interview in 1986 Haysom has never said anything different.

During his interviews in London in 1986, Soering said that he did not remain in DC for the whole weekend. He said that he left Haysom alone in DC and he drove the rental car to the home of the Haysoms in Bedford County. He said that when he went to see the Haysoms on Saturday, March 30, 1985, he had not definitely decided to murder them, but it was an option. He needed Elizabeth Haysom to buy two movie tickets and room service for two, to create an alibi in case it did come to murder. He repeated the same story six months

later when interviewed by a German Prosecutor with a defense lawyer also present. During the following years Soering fought extradition proceedings through the UK and European Courts. He never gave any details of that weekend that differed in any way from what he had said in the 1986 interviews.

Does what Soering said in 1986 make sense?

Yes, it does. Soering's first account is logical. Getting Haysom to buy two movie tickets would make it appear that he was with her at the movie. With Haysom forging his signature on the room service receipt, paid for on the Klaus Soering credit card, the hotel staff would think that Soering was also present but out of sight. The forged signature on the receipt could be used as confirmation later. This provides an alibi for Soering. Haysom would not need any documents in her name because movie theater staff and hotel staff would be able to say that she was there. Haysom would say that Soering was with her. In 1986 Soering did not know that the police would not find any hotel staff that remembered the room service. His statements to police in 1986 are totally consistent with Haysom remaining in DC to provide an alibi for him while he committed the murders.

If one accepts what Soering has said since 1990, does that make sense?

No, Soering's subsequent account makes no sense at all. In his book 'Mortal Thoughts', which he says is a book of truth, Soering gives his current explanation as to why he was buying two movie tickets and room service for two. His account is nonsensical and rather complicated. He doesn't say that his reason for providing an alibi for Haysom was to protect her from arrest for murder (he says he didn't know about the murders until later that night); it was to prove to Derek and Nancy Haysom that Elizabeth Haysom was no longer using drugs. Somehow, admitting to her parents that she had spent Saturday night with Soering in DC would add credibility to her lies and her parents would believe that she was no longer using drugs.

The next significant point is that he did not provide an alibi as he says he did, an alibi that made it appear that Haysom stayed in Washington. If he had signed her name on the room service receipt his story would be more believable. On the other hand, having Soering's name on the room service receipt does support the story that Haysom was in DC trying to make it appear that Soering was with her.

Soering says that after he knew about the murders, he decided to take the blame for her. He says he was providing Haysom with an alibi, and yet he did not do so. Buying two movie tickets only suggests that two people went to see the movie. There is no alibi there specific to Haysom. Ordering room service and paying on the Klaus Soering credit card provides no alibi for her at all. It would make more sense if he had signed her name on the room service receipt. Logically, if Soering's version in *Mortal Thoughts* was true, he did not need to establish an alibi for himself, only for Haysom. He was doing nothing wrong according to him.

By the time Soering changed his version of events in 1990, he had seen the prosecution evidence and by then he knew that there was no statement from the hotel staff confirming which of the them was in the hotel room to receive the room service.

What did Haysom produce to show that they were both in DC on Saturday, March 30, 1985?

You might think that Haysom didn't produce any documents at all. But in fact, in 1985, before Haysom and Soering left the US to avoid arrest, Haysom provided attorney John C. Lowe with copies of a hand-written itinerary (referred to by Harding as a 'timeline') for the weekend in Washington DC. In support of this 'timeline' there was documentary evidence in the form of copies of movie ticket stubs, hotel room service receipts, a copy of a Visa card impression in the name of Klaus Soering, and restaurant receipts. Lowe retained these copies until June 12, 1990 when he faxed them to Updike during the Soering trial. The movie ticket stubs were numbered 102479 and 102480, 505630 and 505631, and 025268. The room service receipts were numbered 770 083788 and 770 083813. You can see in the copies that the documentary evidence has been stapled to a sheet of paper.

What did Soering produce to show that he was alone in DC on Saturday, March 30, 1985?

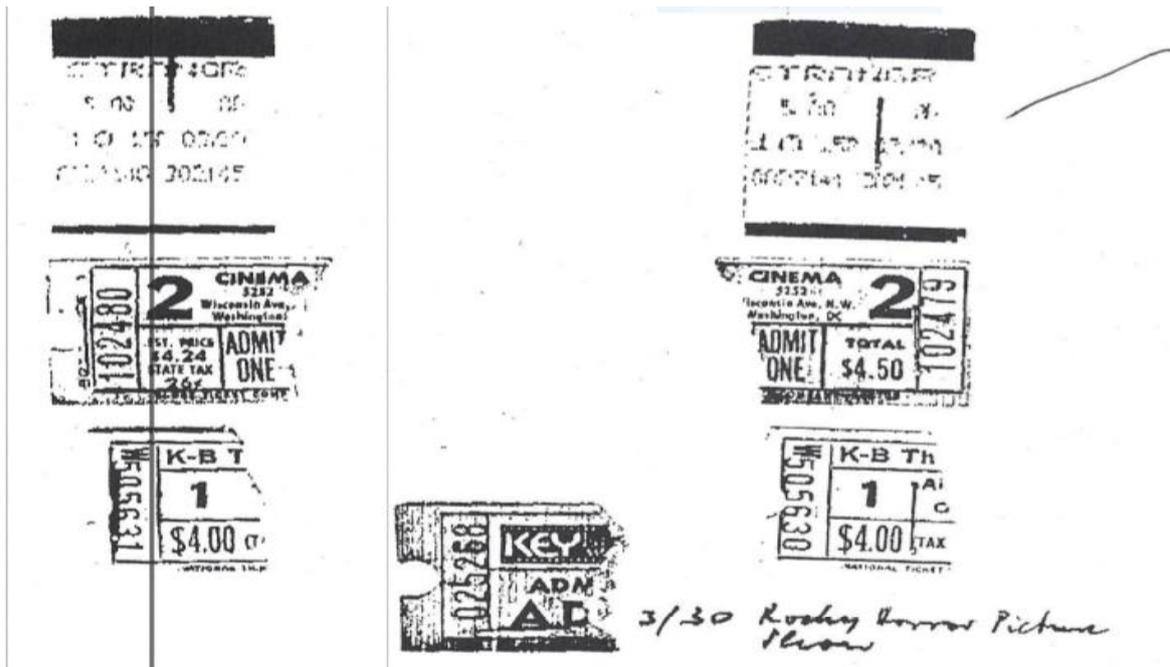
In 1990, during his trial, Soering also produced the movie ticket stubs, hotel room service receipts, a copy of a Visa card impression in the name of Klaus Soering and a copy of a personal cheque in the name of Jens Soering. Klaus Soering testified that he had found these items in the dorm that was previously occupied by Soering. Because they were copies of the same documents, not surprisingly, the movie ticket stubs were also numbered 102479 and 102480, 505630 and 505631, and 025268. The room service receipts were numbered 770 083788 and 770 083813. The Visa card impression was made out to pay "The Marriott Hotel" the sum of \$237.29 and appears to be dated 03:29:85. The personal cheque appears to be in exchange for \$50.00 "Cash in DC" and is dated "3/30/85". Soering assisted in saving these documents and writing the alibi timeline. Whether you believe that Soering made genuine confessions to murder, or that he made false confessions, in 1985 Soering intended these same documents to support that he and Haysom stayed in Washington DC. The documents remain the same, but now Soering says that they support that only he stayed in Washington.

Observations on the alibi

The movie tickets and room service receipts

Haysom and Soering produced copies of the exact same movie tickets and room service bills. This is not surprising because they were colluding together to make it appear that they were both in DC on Saturday, March 30, 1985. These movie tickets and room service receipts do not prove which of them remained in Washington DC.

Commonwealths Exhibit #349 and Defense Exhibit #20 (they are identical):

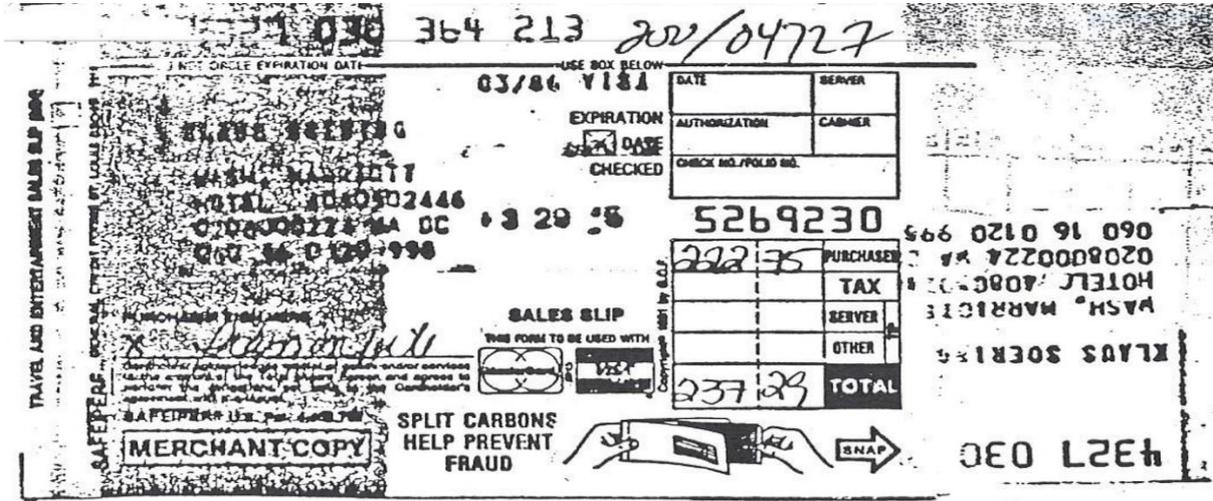


Haysom produced her copies in 1985. Soering produced his copies in 1990. Again, this is not surprising because for several months in 1985 they both had access to the documents regardless of which of them retained the originals. Harding says that because the movie tickets were allegedly found in Soering's dorm, it is one of the reasons that Soering's account is more believable. This is nonsense; it matters not which apartment they were recovered from. In fact, if Soering was the one who left Washington DC that Saturday night, you could argue that the movie tickets are more important to him than they are to Haysom, and he would want to retain control of them. We must also assume that Klaus Soering did find them there, even though some of his testimony raises serious doubts. Whichever story is accepted, Haysom obviously had access to the alibi documents because she gave a copy to her lawyer in 1985 before she left the USA. Where the documents, or copies of the documents, were eventually found proves nothing at all.

The documents given to Lowe and the documents produced by Soering in 1990 are identical. Not just identical in their content, but also in that the staples are in the same positions, the tears on the movie tickets are identical, and they are in the same positions on the page. It is obvious (and logical) that both Haysom and Soering kept copies of the documentary evidence that they intended to use to support their alibi.

The Klaus Soering credit card slip

The card slip appears to be dated "3 29 85" and the full amount to be debited is \$237.29.



The interesting thing about using the Klaus Soering credit card to pay for the hotel room is how the words of Haysom have been misrepresented by Soering, Harding and others. They say that she said that the room service bill was paid with the Klaus Soering credit card. She is correct in this statement, it was. She didn't say she had the card in her hand and had it "swiped" by the hotel staff at the time she received room service. She was correct when she said the room service was paid on the card, because any charges booked to their room were added to the final bill. A blank impression had been taken from the card on Friday night.

The Jens Soering personal cheque



At no time did Soering tell the investigators that he had cashed a personal check during that weekend in Washington. Do not believe Soering or Harding when they say that he did. I know better than Harding because I was one of the interviewers. Soering did not tell us about the personal check being cashed. In fact, he said that on Saturday evening he was in Lynchburg committing the murders. The personal check is also conspicuously absent from the timeline. Cashing that check on Saturday evening would have been an event that police could have checked up on, but it's not included in the alibi timeline.

During his trial, Soering produced Defense Exhibits #19 or #20. Included within these exhibits is a copy of a personal check from a Jens Soering bank account, made out to pay the "Washington Marriott Hotel" the sum of \$50. The reference on the check says, "Cash in DC". The check is dated 3/30/85 but there does not appear to be a definite time it was cashed.

So, when did Soering cash the personal check? Is there anything in the timeline that gives an indication of when he may have cashed the personal check? Yes, there is a reference to "finding cash" in the timeline between "14 – 15 ½" of "Saturday 3/30". Then right afterwards, Haysom and Soering were able to buy some lunch. It does not specifically mention cashing the check, but then cashing the check is not mentioned anywhere else either.

"1 – 8" MOST machine & lost card (Jen's), back to hotel"

"8 – 10 room service,"

"14 tour of Washington (drive)"

"14 -15 ½ finding cash"

"15 ½ - 16 ½ lunch".

	14 - 1	Hamburger from on Wisconsin
SATURDAY 3/30	1 - 8	MOST machine & lost card (Jen's), back to hotel
	8 - 10	room service,
	10 - 14	tour of Washington (drive)
	14 - 15 ½	finding cash
	15 ½ - 16 ½	lunch

What do we know from the documentary evidence available?

1. We can see that when checking in at the Marriott Hotel on Friday, March 29, 1985, Haysom paid \$95 cash. This amount would cover a room, taxes and parking fee for one night. \$95 credit is shown on the itemised hotel bill. (Commonwealth Exhibit #349)
2. Also on Friday, March 29, 1985, \$190 was paid in advance ('PIA' is stamped on the hotel receipt). The amount of \$190 would be the correct amount for a room for two nights with taxes and two parking fees.
3. The final hotel bill amounted to \$237.29 and that amount was taken from the Klaus Soering credit card. The credit card impression appears to bear a date of 03/29/1985, but it is not possible that \$237.29 was debited from the Klaus Soering bank on March 29. The account must have been debited on March 31, or later, after Haysom and Soering checked out because the total amount includes additional charges of \$47.29, some of which had not yet been accrued on March 29. Presenting the Klaus Soering credit card for payment on Friday night, as Haysom and Soering have both said, would allow Haysom to get her \$95 cash back.
4. The itemised hotel bill shows the room, taxes and parking fees, and some extras in the form of a phone call, two room service orders and another charge that looks as though it may possibly have been for laundry. The charges that were extra to the standard room rates are dated 03/30/1985.
5. The total amount of the Marriott Hotel bill is \$237.29. That is also the amount shown on the Klaus Soering credit card impression.

How can the Klaus Soering Visa payment of \$237.29 be dated 03/29/1985, and yet it includes extra charges from March 30?

Based on the evidence available the following scenario seems to be the most likely:

On Friday, March 29, 1985, Haysom paid \$95 cash in advance. \$95 credit is shown on the itemised receipt. Also, on the evening of Friday, March 29, Soering produced his father's Visa card. The hotel staff took an impression of

the card, marking the hotel receipt for \$190 and stamping 'PIA' thereon. This amount was to be debited from the Visa account assuming there were no extra charges. It's a common occurrence at hotels to take an impression of a credit card at check-in and at check-out the final amount is entered. \$95 cash was returned to Haysom because the full amount due for a two-night stay was now to be taken from the Visa account. On Sunday, March 31, 1985, Haysom and Soering checked out. The extra charges accrued were added to the hotel bill giving a total of \$237.29. This is the amount that was finally debited from the Visa account that the hotel staff had taken an impression of on March 29.

Conclusion:

The room service receipts do not confirm which of the two purchased room services.

The movie ticket stubs do not confirm which of the two purchased the tickets.

What Harding says about the alibi

Harding says in his letter to the Governor:

"Haysom gave a statement that while Soering was gone the night of the murders, she was in the hotel room and at one point ordered room service. Soering gave a statement to police and testified that while Haysom was gone, he, in fact, ordered room service and identified precisely what he had. He said that he signed the bill. She said she forged his name. Soering also told the investigators that he had cashed a personal check that Saturday evening because Haysom had taken all the cash with her. She did not mention the check in her statement probably because she did not know he had done that while he remained in D.C. Tr. Transcript, pgs.169, 175, 179."

Harding raises several points that are just not true. In 1986, Soering did give a statement to the police, but he never, ever said that Haysom left him in Washington DC. He told us investigators that he went to Lynchburg and killed the Haysoms. It was only during his trial testimony four years later that he said he stayed in Washington. When Harding tells the Governor that Soering gave a

statement and later testified about what he did when Haysom left him in DC it's not true. In my opinion, it seems unlikely that Harding would lie on purpose about something that is a matter of record. Most likely, he has been told these facts by Soering, and Harding has failed dismally as an investigator by not taking the time to verify things.

For Soering to describe what he ordered through room service, many years after the event, when there is no way to verify what he says, does not add any credibility to his story. It might have, if there was some record of what was ordered through room service, but there isn't. As far as I can tell, he made his book public around 1995, and as far as I'm aware, that was the first time he said anything about what was ordered through room service.

Many years earlier Haysom had said she ordered some food and a bottle of whiskey. There is no way to distinguish which is more reliable, what Haysom said she bought on room service or what Soering says he bought. Soering could say that he ordered any kind of meal and it can't now be checked.

During his testimony Soering lied on oath many times. It is not just my opinion that Soering lied on oath, it is a fact corroborated by documentary evidence. For example, he testified that he requested a lawyer and was denied access, a statement which is a lie beyond any doubt, I know it personally and it's also proven by documents. Unlike Harding, I fail to see how a description of a meal confirms any of Soering's story. If Haysom was asked many years after the event, she could also describe a meal she ate and that could not be checked either. We would not know if Soering or Haysom was telling the truth.

Harding also says that Soering told us investigators that he cashed a personal check. Soering did no such thing. Soering told us he wasn't in Washington that Saturday evening of March 30. If Soering's confessions were false, and he wanted us to believe him, why would he tell us something that proved he remained in Washington? I can only assume that Soering told Harding that he had told the investigators he cashed the check. If Harding had bothered to ask any of us investigators, perhaps Gardner, he would have learned the truth. Soering did not tell investigators he cashed a personal check that Saturday evening, and neither is it mentioned in the timeline document. The first time the personal check was mentioned was when it was produced at trial. Harding says that Haysom never mentioned the check because she probably didn't know about it because she was out of town. He doesn't even consider that she never mentioned the check because it wasn't cashed on Saturday evening. In

his letter, Harding is asking the Governor to make an incredibly serious decision based on information that Harding is supplying. The problem is that most of the information supplied by Harding is not true and Harding hasn't taken the time to verify any of it.

Harding is also wrong about the signing of the room service bill. Soering never, ever told investigators that he signed the bill, quite the opposite, Soering said he wasn't even there. More incorrect information that Harding has given to the Governor.

Harding:

Findings

During the trial, Elizabeth had given a couple of versions about when she purchased movie tickets. In one of her two versions, she said bought tickets at 2 p.m. and 4 p.m. Tr. Transcript pg.172. Soering's father testified that he found movie tickets in his son's dorm room, when he was cleaning it out, and those were introduced into evidence. Months after the trial was concluded, Soering's lawyers made contact with the movie theater that had sold the tickets for the 10:15 p.m. showing of "Stranger than Paradise." The tickets had specific numbers on them. Box office records showed the chronology of the tickets. On March 30, 1985, records showed ticket numbers 27014 through 27263 were sold for the 6, 8, and 10:15 p.m. shows. Soering's tickets bore numbers 27149 and 27141. The theater representatives felt confident that the earliest those particular tickets would have been sold was 8 p.m. It is clear that the fact the tickets were found in Soering's room, and his version of when he purchased them was corroborated by the theater, would tend to make him believable over Haysom, who was constantly changing her story and had no corroboration. Updike produced no evidence that tickets were bought earlier. "A Far, Far, Better Thing", p. 198.

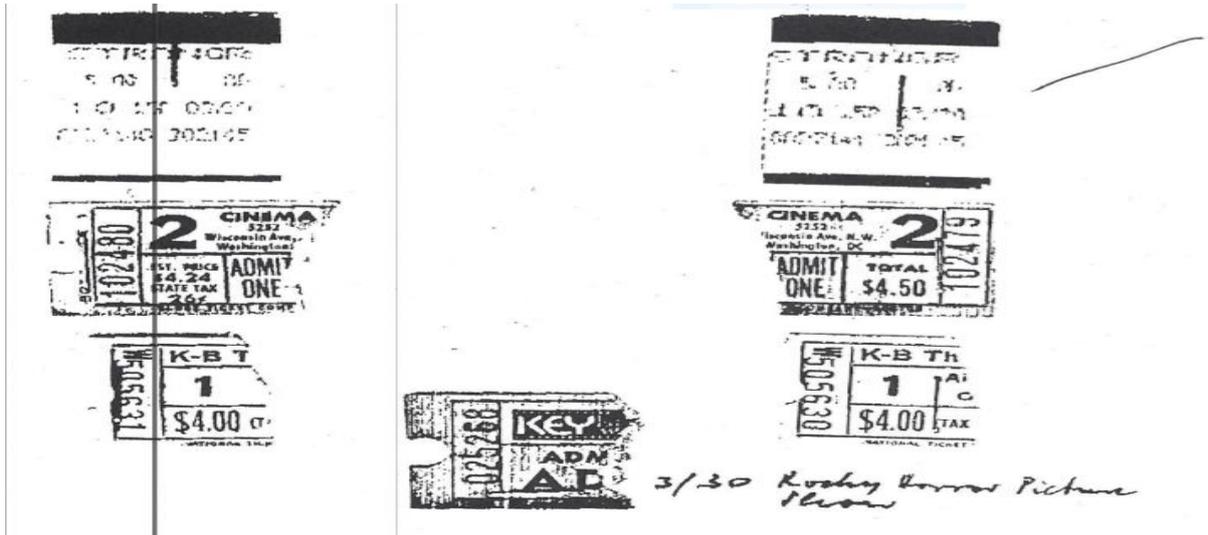
Harding names his source for the information regarding the movie tickets as the book "A Far, Far, Better Thing", p. 198. In other words, his source is Jens Soering. It's a risky business for an investigator to accept what a suspect says without further corroboration. Particularly a suspect with a conviction for dishonesty offences and one who has given two conflicting stories, one of which must be a lie.

The strangest thing that Harding says is that the movie ticket numbers 27149 and 27141 could not have been purchased before 8pm. This is very confusing, and I can't work out where Harding got these ticket numbers from. Most likely, he got them from Soering? They aren't the numbers on the movie tickets produced by Soering or Haysom at trial. The numbers on those ticket stubs were 102479, 102480, 505630, 505631 and 025268.

According to Harding, several months after the trial, lawyers acting for Soering found someone who was prepared to speculate, and it is pure speculation, on what time of day ticket numbers 27149 and 27141 were sold on a date five years earlier. The first thing I noticed about these ticket numbers is that they are not consecutive numbers. Usually, when you buy movie tickets for two people you are given the next two consecutive tickets. Of course, I realise that there could be reasons for the tickets not being consecutive, but even so, it is strange.

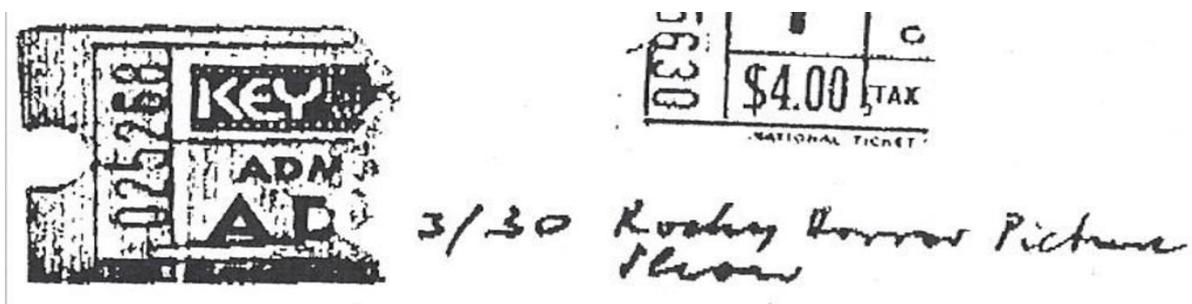
The next, very obvious step for an investigator is to compare the ticket numbers with the numbers on the movie tickets stubs produced at Soering's trial, first by Updike, and subsequently produced by Soering. Immediately it can be seen that none of the tickets produced at trial bear the numbers 27149 and 27141. It seems that Harding hasn't done this obvious comparison and has simply accepted what Soering wrote in his book as being the truth. The tickets produced at trial are in two pairs plus one individual ticket. In each pair of tickets, the numbers are consecutive.

The inference drawn from the differing ticket numbers that Harding refers to, is that Soering has lied about the ticket numbers in his book. I can't see any other explanation. If there is one, I would like to hear it. This means that speculation from theater staff about when tickets 27149 and 27141 were sold is irrelevant - they are not the correct tickets, not even close. Also, notice that all the tickets produced at trial bear six-digit numbers, whereas the numbers Harding quotes have only five digits. Perhaps they asked at the wrong theater? They certainly asked about the wrong tickets. If lawyers acting for Soering did speak to staff at a theater, the questions I would ask are, who are the lawyers? Where did they get the ticket numbers from? And which theaters did they make enquiries at?



Even though the numbers quoted by Harding do not appear on the movie tickets produced at court, for a moment let's continue with an examination of the information Harding gives us:

There are three movie theaters to consider. Both Haysom and Soering say that only one ticket was bought for The Rocky Horror Picture Show. Therefore, it is a reasonable assumption that the theater where that movie ticket was purchased is the Key Theater. There is only one ticket of that type. The note, hand-written by Soering, on the timeline document tends to add credence to this assumption.

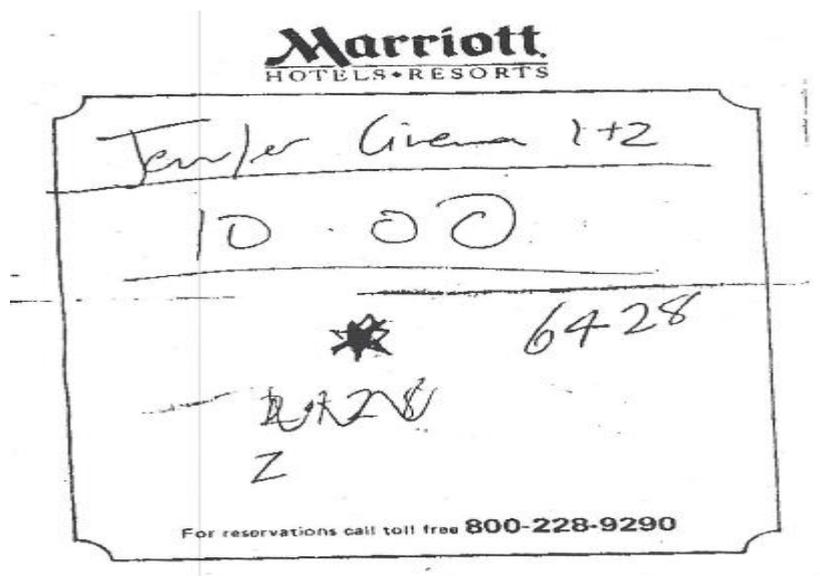


When the "KEY Theater" ticket number 025268 is examined closely, "1222" can be seen in microprint adjacent to the word "KEY". In 1985 there was a theater in Georgetown named The Key Theater at 1222 Wisconsin Avenue NW.



These facts tend to confirm that the Key Theater is where the movie “The Rocky Horror Picture Show” was being shown.

Of the four remaining tickets, 102479 and 102480 are opposite ends of the tickets. Using both ends we can see the full name and address of the theater. It is “Cinema 2, 5252 Wisconsin Avenue NW”. At that address in 1985 was the Jenifer Theater 1 & 2. My assumption is that these two tickets were purchased at the Jenifer Theater. This assumption is supported by a hand-written note on Marriott Hotel notepaper contained in the documents produced in the Soering defense exhibits. The note says, “Jenifer Cinema 1 + 2 10.00”. (I will come back to this notepaper later).



There is nothing obvious on the tickets that proves which of the movies was being shown at the Jenifer Theater. But the tickets for a theater at 5252 Wisconsin Avenue NW, taken together with the note on the Marriott notepaper, suggests that these tickets were for a movie at “10.00”. Along with the tickets, two other pieces of paper, appearing to come from a roll similar to

tickets, were produced at the trial. They appear to be for the 10.15 showing of "Stranger than Paradise" movie. It is, therefore, a reasonable assumption that these two tickets are from the Jenifer Theatre and for the movie "Stranger Than Paradise". This assumption has added weight when looking at the alibi timeline which records that the movie "Stranger Than Paradise" was viewed between 10.00pm and midnight. The Jenifer Theater is the theater where enquires should have been made about tickets numbers. Even so, Haysom didn't say she bought tickets for "Stranger Than Paradise" before 8pm, and that enquiry would have taken us no further. Did Harding ask which theater provided the information about when the (wrong) tickets were sold? Probably not.

When lawyers acting on behalf of Jens Soering found someone prepared to speculate as to the time of day when movie tickets numbered 27149 and 27141 were sold (the wrong numbers), did they work at the Jenifer Theater at 5252 Wisconsin Avenue NW?

If "The Rocky Horror Picture Show" was viewed at the Key Theater, and "Stranger Than Paradise" was seen at The Jenifer Theater, then the two remaining tickets must have been for the movie "Witness". The two remaining tickets, 505630 and 505631 have "K-B Th..." printed thereon. In 1985 there was a chain of movie theaters called K-B Theaters. I found thirty-five theaters listed as being under the control of KB over the several years they were operating. Some were closed long before 1985 and can be eliminated. From the remaining list there were six in the Georgetown area still open in 1985. I found nothing to help confirm in which KB theater tickets 505630 and 505631 were bought. Therefore, I'm left with a list of 6 KB theaters, where I would have made enquiries about the movie ticket numbers. Did the lawyers acting for Soering enquire at any of these? Remember though, this is still irrelevant for two reasons - because the numbers Harding quoted are not the numbers on the tickets produced at trial, and, Haysom never said she bought tickets for "Stranger Than Paradise" before 8pm.

The purpose of identifying which movie theaters were visited by Haysom or Soering, and which movies were shown at each theater, would be to establish what time tickets were purchased. However, anyone making that enquiry should have asked when ticket numbers 102479, 102480, 505630, 505631 and 025268 were sold. These are the numbers on the tickets produced at trial.

Harding says that the movie tickets were found by Klaus Soering and “those were introduced into evidence”. He does not tell you that it was Updike who first introduced the tickets. Updike obtained copies of the movie tickets and hotel receipts from an independent lawyer named John C. Lowe. The movie tickets were introduced as a Commonwealth’s Exhibit before the defense case started.

Harding also says that Haysom gave two versions about the movie tickets. She was asked about the tickets in 1986, a year later in 1987, and again in 1990. Her memory was always vague about the movies and she said so. She also said she took some drugs, and she said she drank quite of lot of whiskey. But Harding fails to mention that Soering has also given two versions. In version one Soering maintained for nearly five years that Haysom bought the movie tickets while he was away, to make it appear that he was still with her. He gave a second version in 1990 and said that he bought them.

Harding points out that Haysom said she bought the movie tickets at 2pm and 4pm. She was unsure of the time. He then seems to assume that she bought tickets for “Stranger Than Paradise” at 2pm or 4pm, even though Haysom never said that.

“During the trial, Elizabeth had given a couple of versions about when she purchased movie tickets. In one of her two versions, she said bought tickets at 2 p.m. and 4 p.m. Tr. Transcript pg.172.”

Harding then goes on to say that tickets for the movie “Stranger Than Paradise” could not have been bought that early.

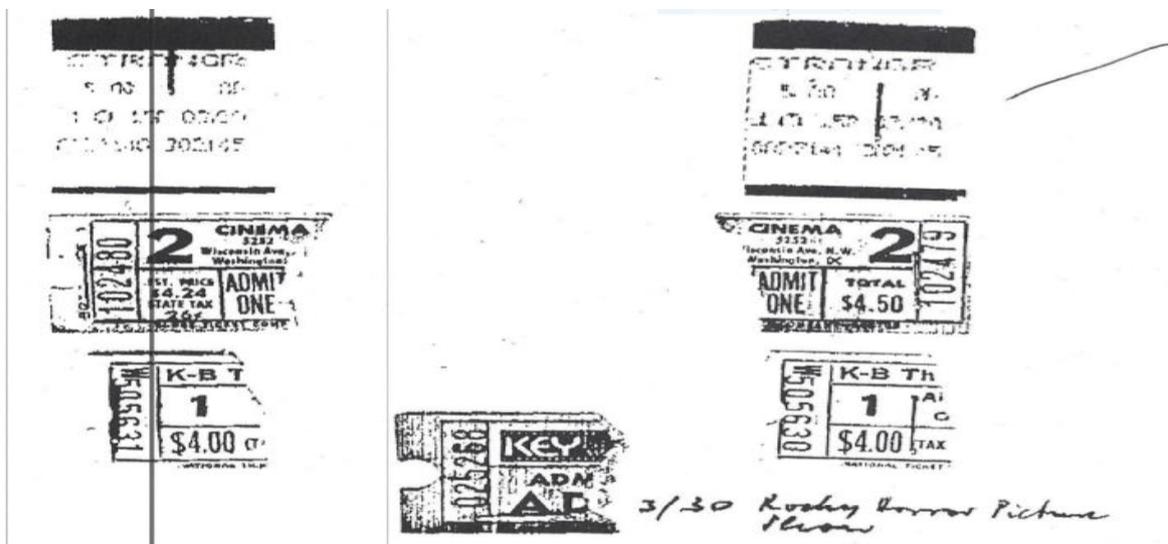
Here is the comment from Tr. Transcript pg.172 highlighted by Harding:

7	Q	You bought two tickets to the movie, then,
8		at that point, do you recall which movie that was?
9	A	I believe that the first movie, I know that
10		the two movies I was supposed to attend were Stranger in
11		Paradise and Witness; I'm not sure which order I was
12		supposed to see them in.
13	Q	You say that you bought those two tickets,
14		did you see the movie?
15	A	No, I did not.

Why has Harding said that Haysom gave a couple of versions but then only discussed one of them? And, when discussing his chosen version, why is he

telling the Governor that tickets couldn't have been bought for Stranger Than Paradise before 8pm when Haysom didn't say they were? Harding quotes the trial transcript page 172 as his source, yet when we look at the transcript of what Haysom said, it can be clearly seen that she didn't say which movie the tickets were for.

Harding leads the Governor down the road that Haysom did say that. But it was clear to us investigators that when she said 2pm or 4pm in her interviews, she was talking about the first movie she went to see. Harding has got things completely wrong or is intentionally being misleading because Haysom did not say that the 2pm or 4pm tickets were for Stranger Than Paradise. When she was questioned in 1986, Haysom was not sure which movie she went to see first, Witness or Stranger Than Paradise. She couldn't remember the order of the movies, and she didn't say the tickets for Stranger Than Paradise were bought at 2pm or 4pm. They were the times she said she may have bought the tickets for the first movie she saw. The alibi timeline was written by Haysom and Soering very soon after the events took place, and it shows that Witness was seen first, and Stranger Than Paradise was seen later, around 10pm. The alibi timeline was produced at trial showing that "Stranger Than Paradise" was seen between 22:00 – 24:00. But, even if you disagree with all I have said, the ticket numbers that Harding refers to are still not the numbers on the movie tickets produced at court.



Ticket numbers 102479, 102480, 505630, 505631, and 025268.

Harding is correct when he says that Updike produced no evidence that the Stranger Than Paradise tickets were purchased before 8pm. There was no need to; no one said that they were. Updike did produce evidence that the relevant showing of Stranger Than Paradise was between 22:00 – 24:00. Once again, Harding hasn't checked the facts properly.

Why does Harding think that having help to write the timeline from Christine Kim is somehow sinister?

Harding suggests that there is something sinister about the fact that Christine Kim assisted Haysom to write the 'timeline'. He suggests that by her doing so it somehow indicates that Haysom is less believable. There is no evidence that Kim was doing anything wrong. He does not mention that Soering was also helping. Soering wrote a handwritten note on the timeline proving he had sight of it in April 1985. Haysom gave a copy of the timeline to her lawyer, John Lowe, in April 1985. Soering's note was already on that copy. The timeline spans from Friday, March 29 through Wednesday, April 3. Kim was with Haysom and Soering the best part of four of those six days. If Soering and Haysom asked her to help them write down their movements over those six days, why wouldn't she help them to write it down?

Conclusion

The documentary evidence available, in the form of room service receipts, the hotel bill, the Klaus Soering Visa card impression, the personal check cashed by Soering, and the movie ticket stubs, does not prove 100% which of the two stayed in Washington DC that Saturday night. But these items together with other documents, such as the alibi timeline and the hand-written note about the Jenifer Cinema, add substantial support to what Soering said in his 1986 confessions.

As far as the alibi is concerned, one can only look at what Haysom and Soering have said and take an inference from that. Which of their accounts is logical and believable when all other evidence is taken into consideration?

What can be seen is that the points forwarded by Harding to the Governor are not presented in full. He has made many statements in his letter that clearly

come direct from Jens Soering, and Harding has repeated them almost verbatim without checking their veracity.

Miscellaneous documents pertaining to the alibi

The piece of paper shown below was produced by Updike during the trial of Soering. It's a newspaper advert for the movie "Stranger Than Paradise". When a deposition was being taken from Haysom she remembered the movies "Witness" and "The Rocky Horror Picture Show", but she was having difficulty remembering the title of the other movie. Gardner and Updike presented Haysom with a newspaper from the relevant dates. They allowed her to look through the entertainment adverts without prompting her. She picked out the advert for "Stranger Than Paradise". This advert was for a theater called "Outer Circle 1", Two addresses are shown in the advert of "4849 Wisc, Ave, NW", and "McLean, VA".

This advert does not mean that Haysom said that she saw the movie at either of those two theaters. Only that this was the title of the movie. In fact, it's unlikely that the theater where she saw Stranger Than Paradise was at Outer Circle 1. Evidence already discussed indicates that Stranger Than Paradise was seen at the Jenifer Theater, 5252 Wisconsin Avenue NW.

If lawyers acting for Soering made their enquiries at the Outer Circle 1 theater, then they probably made them at the wrong place, as well getting the wrong ticket numbers.



The paper below is also from the newspaper shown to Haysom when she was giving a deposition. It shows a list of theaters where the movie "Witness" was showing. The theater "KB Studio, 4600 Wisconsin Ave., NW" has been encircled. Because "K-B T..." can be seen on two of the movie tickets, it's easy to assume that KB Studio was where the movie "Witness" was seen. Once again, this is not necessarily the case. The company that owned the KB Studio operated as many as thirty-five theaters during their time in business. By eliminating theaters that closed before 1985, and addresses that are nowhere near Georgetown, the list of thirty-five can be reduced to a list of six theaters, including KB Studio, where the movie "Witness" might have been seen. Determining where each movie was seen doesn't add or detract from what is said by Haysom or Soering, but it might be relevant to the movie ticket enquiries made by lawyers acting for Soering. Do not forget though, according to what Harding has said, those lawyers were making enquiries about the wrong ticket numbers.

WITNESS

AMC'S CARROLLTON 6* New Carrollton, MD 459-8070	KB MONTGOMERY MALL 3* Bethesda, MD 365-7303
MacARTHUR CIRCLE III* MacArthur Blvd., NW 337-1700	NTI LAKEFOREST 5* Gaithersburg, MD 948-7100
MOVIES AT FAIR OAKS* Jct. I-66/Rt. 50 West 352-4760	KB STUDIO 4600 Wisconsin Ave., NW 686-1700
FLOWER 4 CINEMAS Silver Spring, MD 699-1666	COLLEGE PARK College Park, MD 927-4848
NTI TYSONS CENTER 4* McLean, VA 893-9550	NTI ANNANDALE Annandale, VA 256-7600
NTI WHITE FLINT 5* Bethesda, MD 881-5207	RESTON TWIN* Reston, VA 620-9590
OLD TOWN I & II* Alexandria, VA 683-0383	KB FINE ARTS* 1919 M St., NW 223-4838

* Presented in Dolby

Notes written by Haysom on the Marriott Hotel notepaper

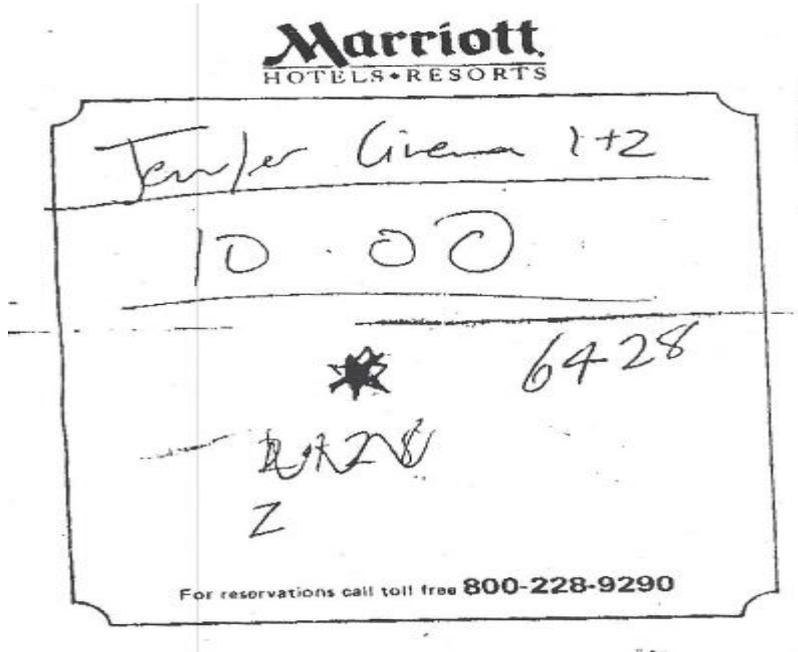
So, Haysom says that she knew on Friday night and Saturday morning, that it was a possibility that her parents would be murdered that weekend. Whereas Soering says he knew nothing about it until the early hours of Sunday morning. Haysom says that Soering dropped her off at a movie theater as they had

planned. Soering says that they were having lunch in a restaurant when Haysom told him she was going to collect a drugs shipment and asked him to prepare an alibi for her. He says they went direct from the restaurant to a movie theater where Haysom dropped him off. Haysom says that after watching the first movie she went back to The Marriott Hotel. Soering also says he went back to the hotel. They each say that they ordered room service before going out to the movies again. Haysom says that Soering came back some time after The Rocky Horror Picture Show and picked her up from the roadside. She says that they then returned to The Marriott. Soering says he went to the Rocky Horror Picture Show and then returned to the Marriott and Haysom came back later.

I've looked very hard to find anything that corroborates what Soering says, but without success. The only thing that suggests that Soering stayed in Washington is the fact that the room service was billed to the Klaus Soering credit card. Soering says he signed the slip of paper. This signature does not seem to be in the case papers as far as I can tell. The problem is that Haysom says she forged his signature on the room service bill, so even if I had sight of the signature, it's doubtful that it would confirm which of the two wrote it. The personal cancelled check produced by Soering does not confirm when it was cashed and consequently does not confirm that he stayed in Washington that night. Around 1995, some ten years later, Soering wrote in his book that he ordered "*hors d'oeuvres of pink shrimp fanned out atop lettuce leaves on glass plates*" as part of the room service meal. This is a worthless comment because there is no way to verify it.

I've also looked very hard to find anything that would corroborate what Haysom says. Is there anything that supports that Haysom stayed in Washington? Yes, there is, there are several documents that support what she says. One is a piece of Marriott Hotel notepaper with Haysom's handwriting thereon.

This piece of paper was part of the Defense Exhibits produced by Soering at his trial. This note may appear insignificant at first glance, but it's a very revealing piece of evidence, and it fits exactly with what Haysom said many years ago.



The Marriott notepad has notes thereon written by Elizabeth Haysom. Haysom says that while she was back at the hotel room, she was aware she was running out of cash but couldn't remember the PIN for her MOST bank card. She wrote down the name of the cinema she was going to next, the "Jenifer Theater 1 + 2", and "10,00", which was the time of the movie. She also tried writing down her PIN then crossed it out with a wavy line. Haysom says she called her dorm back at UVA to get her PIN for her card from Christine Kim. Beth answered instead. She wanted Kim to get her PIN from her desk. Haysom wasn't able to get her PIN from her desk and she wrote "6428" on the notepad trying to remember the number. Haysom says that after going out again she tried to get some cash with her MOST card, but the card was retained by the ATM.

This account is very plausible because not only does the Marriott notepad endorse what Haysom says, in addition, it's corroborated in the alibi timeline. The timeline was compiled by Haysom and Soering soon after that weekend. It was a list of events that could have been verified by the police.

19 - 20/14	getting back to hotel	called
21 1/2 - 22	room service, mess, shower	Chantrel for MOST
22 - 24	getting to ...	(Beth answe)
SATURDAY	Stranger in Paradise	

Looking very closely at the movie ticket stubs we can see that they provide further corroboration for the Marriott notepaper and the alibi timeline. Tickets numbered 102479 and 102480 are opposite ends of the tickets. Using both ends we can see the full name and address of the theater. It is "Cinema, 5252 Wisconsin Avenue NW" and a number "2". At that address in 1985 was the Jenifer Theater 1 + 2, exactly as Haysom wrote on her note.



Even more corroboration can be found by looking closely at the final Marriott Hotel bill. There is a charge shown for a telephone call.

% PRBAL	92	89.00
% PARK		6.00
% 6235A03/30BL	551 06	95.00
% PRBAL	66	35.00
% PHONE 57		2.00
% LODST		3.00
% RMSRV		37.00
% 6549803/30BL	551 48	135.75
% PRBAL	48	135.75

Overall conclusion

The alibi was always a lie from both Haysom and Soering because they were not together all weekend when the Haysoms were murdered. The documents

they saved were intended to make it look like they were both together, and overall those documents do what they are meant to do. What they do not do, is to suddenly change from an alibi for two into an alibi for one only. Haysom only ever gave one story, and that does fit with the facts. Soering has given two stories, the first fits exactly with the facts and with what Haysom said. The second is so fantastic it is not believable, and it does not fit with the evidence available. By coming up with his fantastic story about creating an alibi to prove to the Haysoms that their daughter no longer used drugs, Soering was committed to writing it down. In doing so he has exposed his story to close scrutiny. Scrutiny that clearly reveals many lies and exposes several facts that corroborate what Haysom said all along.

The joint 'diary'

Did Soering run from the US because he thought his fingerprints on a coffee mug would link him to the Haysom murders?

Soering was interviewed by Bedford County Investigators on Sunday, October 6, 1985. During the following week he closed his bank accounts and he left the US on October 13. A diary note written by Haysom, dated "Oct. 12 Sat." was later found. Included in this note was the comment "*The case is about to be solved.....' [perhaps finger prints on coffee mug used by Jens in Bedford interview gave him away.]*" In 1986 Soering told police that after leaving the interview with the Bedford Investigators he became very concerned that they would recover his fingerprints from a mug he used, and the fingerprints would link him to the murders of Derek and Nancy Haysom. His comments were corroborated by Haysom. The timing of events in 1985 certainly appear to support that he was prompted to leave because of the police interview. Many years later Soering said that the diary note is not true, it was made up by Haysom as a form of insurance to make sure that Soering would confess to the murders.

When Haysom and Soering were arrested on suspicion of committing fraud offences their temporary residence was searched. A very large suitcase was found that contained a large quantity of books, magazines, newspaper cuttings, paper files and folders, hand-written notes and correspondence. Amongst this property were two notebooks containing hand-written notes. The books had individual pages, capable of being easily torn out, with a spiral wire spine. At that time, I referred to them as diaries because each entry started with a date. It became apparent later that they were not diaries, they were a series of joint recollections written retrospectively by Haysom and Soering together. For simplicity I will continue to refer to the books as diaries, but please remember that they were not written each day. Only one book is relevant to the Haysom murder enquiry. The other only contains notes about the activities of Haysom and Soering after they had arrived in the UK. The diary that is relevant to the case is very significant to the Haysom investigation because it was reading the entries within it that formed the basis of my suspicions from which the whole enquiry unfolded.

When was the “diary” written?

Soering: “About a month after fleeing the U.S. Liz and I began keeping a diary of our travels.” (He left the US on October 12, 1985)

Haysom: “Can I point something out about it all being written in retrospect. It was all written in Thailand.”

Haysom: “This book was bought in Thailand and written in Thailand.”

Haysom: “Well, as I say, it was written in retrospect, so ---”

Gardner: “Why?”

Haysom: “I don’t know,”

Gardner: “It was written in retrospect, after the fact and ---”

Haysom: “I’ll tell you why. Jens wanted to write it down.”

Gardner: “And you wrote it?”

*Haysom: “Well, it’s bad enough because I had the neatest handwriting so **we thought of it together** and I wrote it out and then because [?] I put it down incorrectly he took over and he wrote the rest of it.”*

Gardner: “Obviously.”

Haysom: “It was a joint diary.”

Gardner: “This is Jens’? I was just flipping through it --”

ERH: “Yes that’s Jens’s. Is that mine? Yes that’s mine. Jens starts taking over because that spelling is incorrect.”

Gardner: “OK. So that’s about October the 22nd which is a Tuesday. OK is that about right?”

Haysom: “Um, hum.”

Gardner: “That’s when it goes from your handwriting to his?”

Haysom: “I don’t know if there is anymore..”

Gardner: “Do you remember when this was written?”

Haysom: "Well, I was just thinking. I thought we bought it in Thailand but I remember we did some of it on the flight which means that maybe we bought it in Austria. I thought we bought it in Thailand, but anyway, but anyway, it was about, I would say about a month, six weeks, I can't really remember when we went to Thailand anymore but ---"

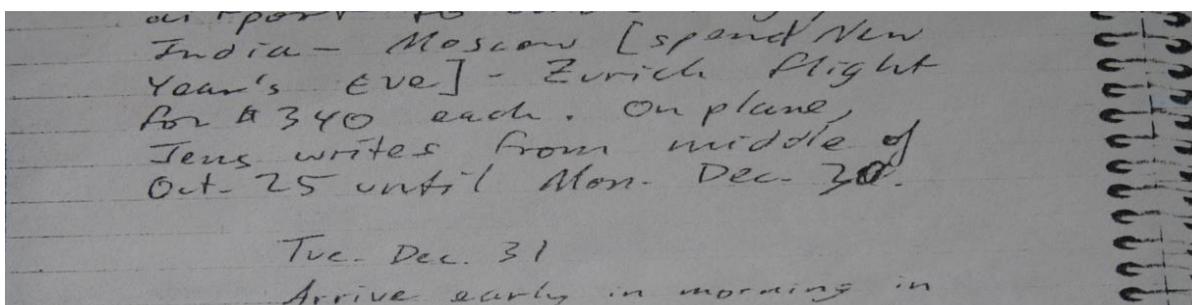
In his book, *Mortal Thoughts*, Soering doesn't specifically say that daily events were recorded daily, but he gives that impression by saying:

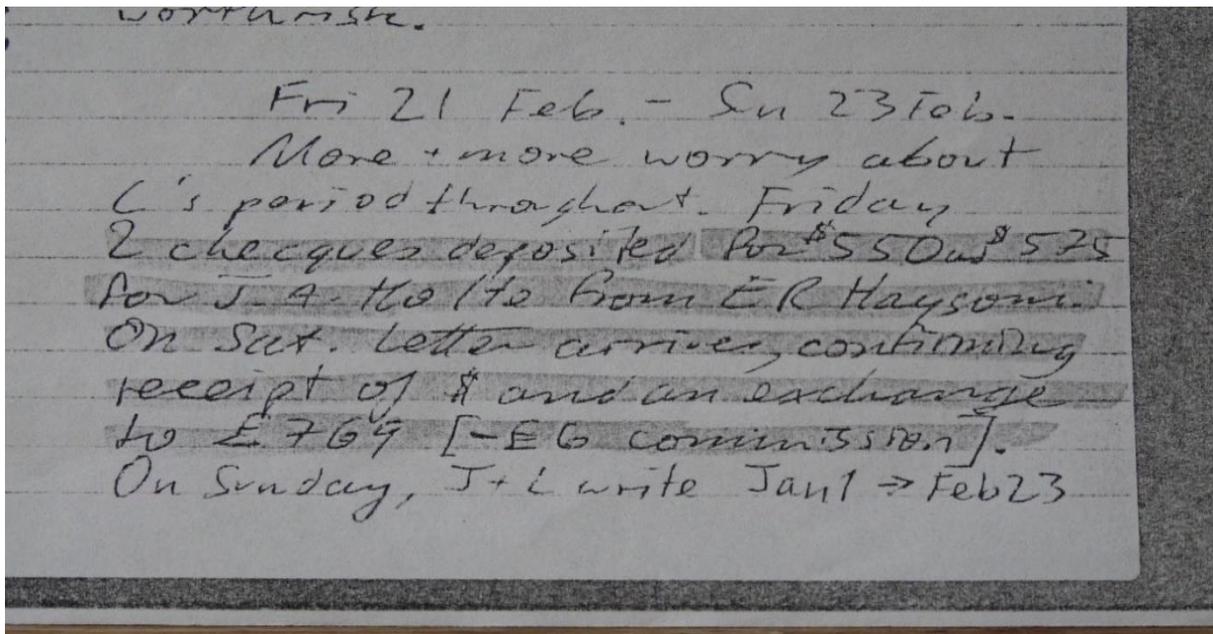
"At first Elizabeth did the writing".

And he goes on to say:

"So I apologised profusely to Elizabeth and assured her that of course I would admit killing her parents if we were caught! As proof of my willingness to "confess" I even agreed to leave the passage about my fingerprints in the diary. But from then on I wrote all the entries, so our journal would be purely factual."

The first part of the diary was written four to six weeks after Haysom and Soering left the US. They departed the US in October and they travelled to Thailand on November 5 arriving there on November 6. So, the first few pages of notes covering October 5 through October 25 were written very soon after they arrived in Thailand, or perhaps some of it was written on the plane on way there. For the rest of the diary we can be very specific because in the diary Soering records the dates he was writing it. After this first section was written, covering October 5 up to October 25, they didn't write anything in the diary until much, much later, not until December 30. On December 30, Haysom and Soering were once again sitting on an aeroplane with nothing particular to do, this time travelling from Singapore, via India and on to Moscow. Soering used this time to catch up in the diary and wrote from the middle of the October 25 entry all the way through to December 30. Weeks later, when Haysom and Soering were back in Europe, Soering finished the diary on February 23, writing from January 1 through February 23.





The diary notes written by Haysom

Soering says that unknown to him, Haysom wrote several lies in the diary; when he discovered them, he confronted her about them. What he doesn't tell you is that he was sitting with Haysom when she wrote those first few pages of the diary, including the note about the "coffee mug". In fact, Haysom could not have written the diary note for that day without help from Soering because she includes details that she wouldn't know:

"Oct 12. Sat.

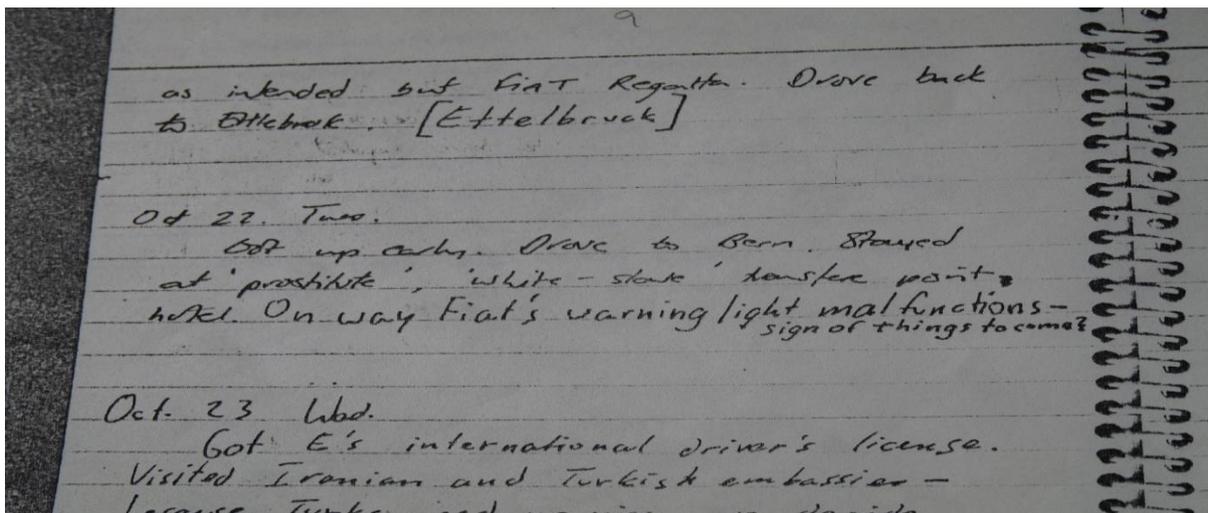
Write letters (Jens). Lizzie throws fit with Chris + David over shopping. Jens wipes finger-prints from room. Passport photos done. Leaves C'ville at 1.00pm (late) for D.C. in Scirocco. Parks at National Airport, satellite parking lot B - wipes car. Barely catches People Express to Newark. Departs N. @ 7.00pm. Preppy Negro girl and Buddhist technician as passengers.

E begins packing and writes letter. Jens calls (from Newark) to invite me 'to join Richard and himself in D.C.' E. cooks dinner with Chris + David, @ 10.00 Howard phones. He is arriving in C'ville (perhaps) tomorrow but will definitely be visiting Wed. 16. 'The case is about to be solved.....' [perhaps finger prints on coffee mug used by Jens in Bedford interview gave him away.] E + C. + D go midnight shopping. Walk to corner > Barracks Road Shopping Centre to buy hair dye for E. Walk to Faulkner to

pick up stuff > 803. Cook cookies while hair is colouring. @ 2.00am Rover phones. IRA feel their situation in London has been put in jeopardy by E. Angry and unco-operative. E spends rest of night cleaning and wiping total apartment. [Chris + David 'decide' to 'be in love'.]"

Soering is misleading everyone; there was never a time when Haysom had custody of the diary, free to write what she liked without Soering knowing the content. There never was a moment when he discovered that Haysom had written about his fear of being caught because he drank from a coffee mug in a Bedford interview. He saw her write it. Not only can Haysom be asked about this, but the comments in the diary confirm it. The diary wasn't written each day, not even close, it's all "make believe".

When asked about the diary Haysom told the police, "*I put it down incorrectly he took over and he wrote the rest of it.*". We can see in the diary that Haysom was telling the truth about when Soering took over the writing. It's headed "Oct 21 Mon.", and Haysom wrote the word "Ettlebrok" and Soering corrected her and wrote, "Ettelbruck". He then took over the writing, adding a sentence about their Fiat rental car to the entry headed "Oct 22. Tues.", and he continued the writing from then on.



The entry headed "Oct 22. Tues." is also of interest because not only does it show Soering taking over the writing, it is also used by Soering as an example of what he says is a "*theme of sexual violence*" displayed by Haysom. In his book *Mortal Thoughts* Soering writes:

"A little later in the diary she described one of our hotels as a "white slave transfer point," another instance of the theme of sexual violence which troubled her imagination".

Yet again, Soering misleads us by not telling us that he also wrote part of that entry of October 22. Soering clearly added the comment about their Fiat rental car to this note. There is no doubt that he saw Haysom write about the hotel and probably told her what to write. From then on, the diary notes are written by Soering.

To deviate slightly from discussing the diary contents, I point out that I have found no evidence of Haysom having a *“theme of sexual violence which troubled her imagination”*. By contrast, there is evidence, provided by Soering himself, of Soering being troubled by powerful fantasies. In a letter he wrote to Haysom on May 18 and 19, 1986, Soering said:

“(5) – There is no such thing as an “innocent” sexual fantasy. I must examine where they come from and how they are affecting my life right now. Fantasies are very powerful.

(6) – I do not enjoy sexual intercourse with Elizabeth as much as I like to think I do, although I have a fairly strong sex-drive. Is this possibly due to having had only one lover – her.

(7) – I must examine where the violence in me comes from and how it expresses itself. Violence takes many forms: physical, whether in a serious or light vein; psychological; perhaps even spiritual [see note 8]”

There are examples of violent fantasies written by Soering in his many letters that may be discussed in other sections of this report.

Going back to the diaries, there are several examples of writing that has been obliterated and made unreadable. Presumably, either simple spelling mistakes or words that Soering decided not to use. He has crossed them out to the extent that it is not possible to read them. If he had discovered comments that Haysom had written without him knowing he could have done the same to them. He had control of the diary and could easily have crossed out the entry that mentions fingerprints on the coffee mug. Or, just as easily, he could have torn out that page and destroyed it. He could have re-written that page and inserted a new one back into the diary. There is an example later in the diary where they have done exactly that, adding extra pages to the diary. Haysom and Soering had split up again to commit fraud in separate countries. Haysom made some notes of her own in a different notebook and several pages from that notebook are glued into the joint diary.

“Elizabeth eventually admitted the truth to me. The passage about my fingerprints had been intended as insurance, in case we were arrested! Because Liz would again be the prime suspect after our escape to Europe, she wanted to ensure that there would be seemingly objective evidence which pointed at me as the killer. My fear of being traced on the run through my fingerprints had given her the idea to include a paragraph about leaving fingerprints on the Bedford police's coffee mug.

-- 92 - + The normal reaction to such a deception would be anger, I suppose, but I only felt guilt. Somehow I must have given Elizabeth reason to doubt me. Somehow she had come to believe that I might let her go to the electric chair -- Liz, the love of my life! There had never been any doubt in my mind that I would accept responsibility for the murders. So I apologised profusely to Elizabeth and assured her that of course I would admit killing her parents if we were caught! As proof of my willingness to "confess" I even agreed to leave the passage about my fingerprints in the diary. But from then on I wrote all the entries, so our journal would be purely factual”

To say that Haysom was using her comment about the coffee mug as “insurance” to make sure Soering confessed to murder is nonsense. If Haysom really was trying to incriminate Soering then why did she not bring this note to our attention when they were arrested?

Is the “diary” fact or fiction?

After being arrested for fraud in the UK, Haysom and Soering were kept in custody pending a trial. On May 28, 1986, Soering wrote a letter to Haysom and to his legal representatives. This was just a few days before he was arrested for murder. At that time Soering knew that I was inquisitive about why he had made sure he hadn't left his fingerprints in the US, and about his hand-written notes on explosives and making pipe bombs. He also knew I was continuing with my enquiries. Soering didn't want me to trace him back to the Haysom murder investigation and was hoping that if he drew my attention to the diary notes relating to fraud, I would not look any further. Soering makes a direct reference to me in his letter:

3

note on pipe-bombs, which I copied verbatim, I believe, from either Frederick Forsyth's *The Fourth Protocol* or one of the Len Deighton books. These books are ~~in~~ either in the possession of my solicitor or were left at Mr. Dibblin's flat in Bath. Perhaps a closer consultation of our diary would help the police discover our crimes and intentions; since we were not planning to get caught, they can rely on the information there to be correct. If they need help deciphering the illegible parts, I will gladly assist them in the presence of Miss Kneebone or Mr. Barker. I suggest this purely out of self-interest; the longer the police spend chasing phantoms, the longer we have to wait for sentencing and release.

I suggest you read the last two paragraphs to Officer Wright verbatim, but since I may have compromised myself unknowingly, I leave that up to you. All of the above is already in our statements in some form or another.

Perhaps you could use that conversation

"Perhaps a closer consultation of our diary would help the police discover our crimes and intentions; since we were not planning to get caught, they can rely on the information there to be correct. If they need help deciphering the illegible parts, I will gladly assist them in the presence of Miss Kneebone or Mr. Barker. I suggest this purely out of self-interest; the longer the police spend chasing phantoms, the longer we have to wait for sentencing and release.

I suggest you read the last two paragraphs to Officer Wright verbatim, but since I may have compromised myself unknowingly, I leave that up to you. All of the above is already in our statements in some form or another."

There is no doubt that in May of 1986 Soering was saying that the diary was true, and it could be relied upon. He said they weren't planning to get caught, meaning that the diary wasn't written for other people to read and the information in the diary is correct. Do not forget, this letter was written long after the time when he had his alleged confrontation with Haysom.

Soering: "As proof of my willingness to "confess" I even agreed to leave the passage about my fingerprints in the diary. But from then on I wrote all the entries, so our journal would be purely factual."

"When I survey the history of my relationship with language, I notice that I always used words to probe and examine facts, not to compose fiction. Whether in my newspaper editorials or in my "Legal Notes and Arguments" or even in this book, I tried to explain what I found before me so I could discover its truth."

Soering wants you to believe that the notes written by Haysom are full of lies. But the rest of it, written by him, is all true. Then we should be able to assume that once Soering had taken over the writing of the joint diary it is "purely factual". We should also be safe to assume that several years later, when he wrote his book 'Mortal Thoughts', his book would reflect what is in the diary and would also be factual, and as he said, "*not to compose fiction*".

Compare then, the words he wrote in the draft of Mortal Thoughts in paragraphs 104 and 105, with the words he originally wrote in the joint diary:

Paragraph 104:

"Elizabeth and I also tried to find work teaching English. But once we found the British-American Language School in an apparently abandoned high rise, we immediately sensed that something very strange was going on there. A dark-haired, thin, Caucasian gentleman in his thirties emerged from an office after a long wait.

Behind him we caught a glimpse of a large bed with colourful silk sheets, under which lay an obviously middle-aged Thai lady. This place was the feminists' revenge for Thailand's infamous sex tourism industry. Since older white men bought young Thai girls, older Thai women were now buying younger white men!"

Paragraph 105:

"In fact the truth may be even stranger. Several months after my arrest in London English newspapers reported the expulsion of a youngish Caucasian man from Thailand on charges of espionage. He had seduced the wives of high-ranking Thai military officers using the cover of a language school!"

How clever Soering was to spot this spy. Or was he? This is what Soering originally wrote in his diary:

“During this time also tour of temples, small search for language schools. Go to “interview” for English teaching positions at “British-American” school. School which we contacted thru a Ms. Wittawadee, is in empty building, set up to look like h.q. of a petroleum-import company [fake offices, etc]. On top floor, “Brit-Am”, with greasy middle-eastern type coming out of “office” [a bed-room] with middle aged asian woman. Talk of some mysterious “upset uncle” between “workers” at office.....”

In his book Soering has changed his original diary note of a “greasy middle-eastern type” to a “dark haired, thin, Caucasian gentleman”!

Why would Soering later change such a minor detail?

Soering knows that very few of his readers will check his claims in *Mortal Thoughts* against the original documents. Perhaps, when he wrote his book, he thought that his original diary note stereotypes all men appearing to be from the middle east as somewhat unpleasant and “greasy” and some readers might see it as a racist comment. His words and his use of quotation marks do also seem to indicate that he assumes that all Thai women are prostitutes.

Or, perhaps he is trying to say how clever he was in spotting this “undercover spy” and his suspicions were later confirmed when he read about it in the English newspaper?

Of course, he never was clever in spotting any undercover spy, he just saw a man coming out of an office that he assumed was a brothel, and in the mind of Soering, he thought the man was “a greasy middle-eastern type”. He has no way of knowing that the man he saw was the same man the newspaper referred to, and, judging by the description it was not the same man. He has altered his original description to make it fit with the newspaper story.

Maybe Soering was simply using ‘poetic license’ to make *Mortal Thoughts* a better read. If that is the case, it’s just not good enough, and his account of the murders cannot be trusted. In *Mortal Thoughts* Soering has laid out his

latest version of the murders as if it is a truthful account, (Paragraph 23 “... or even in this book, I tried to explain what I found before me so that I could discover its truth.”). He presents his book as being a true account of his involvement in the murders. There is no room for poetic license when he, a proven and self-confessed liar, accuses all around him of perjury and perverting the course of justice.

Although this change of a minor detail doesn't seem relevant to the murder enquiry, indirectly it is. It shows that the account given by Soering in his book is not factually correct. It shows that he doesn't hesitate to lie and exaggerate when attempting to make himself look good. Not only is this one minor detail of his book incorrect, the whole book is full of lies. Many of those lies are about Gardner, Beever and me, and so I need not look for further proof to expose them as lies. The few paragraphs in *Mortal Thoughts* discussing the joint diary show that Soering has no compunction about lying and he lies readily if he thinks it benefits him to do so.

How do we know that the diary was written jointly?

In the first few pages Haysom wrote about what she and Soering had both done. As did Soering when he took over the writing. She also wrote many minor details of what Soering did when he left the US, when she was not with him. Soering could say that he had told Haysom all these details later when they were together, and she remembered them. But look closely at the diary note of October 12, the same note that contains the comment about the “fingerprints on coffee mug”:

“Leaves C’ville at 1.00pm (late) for D.C. in Scirocco. Parks at National Airport, satellite parking lot B – wipes car. Barely catches People Express to Newark. Departs N. @ 7.00pm. Preppy Negro girl and Buddhist technician as passengers.”

There is information here, in Haysom's handwriting, that is very interesting. Haysom writes, “*Parks at National Airport, satellite parking lot B – wipes car.*” Does this sound like a detail Soering would have told her when they met in Paris? No, it's a detail that she was able to record because Soering was sitting with her as she wrote it; he probably still had the parking lot ticket. Soering

never intended to go back to DC, so Haysom would not need to know the location of his car, but it is the sort of detail he likes to include in his writings.

From when they met in Paris on Tuesday, October 15, Haysom and Soering were together 24 hours every day. But between October 12 and October 15 they were separated. These few days are covered in the diary and they are written by Haysom. There are notes about the movements of Soering in the diary notes of October 13th and 14th, at a time when she was not with him. Notes that she would not have known unless Soering told her.

“Oct. 13 Sun.

Jens arrives Brussels in morning. Takes train to Paris. Walks around Paris with suitcase searching for Hotel. Settles at nasty place @ 9.00 in evening. Elizabeth gets bus to National Airport. Buys two tickets under different names with check to Arizona. Goes through to boarding – then leaves to catch real flight to London.”

“Oct 14 Mon

Jens sleeps most of day. Goes out for food. @ 4.00 pm. Leaves message at Hotel goes back to bed @ 7.00. E. arrives London @ 6 00 am. Gets train to Victoria Station. Gets ticket to Paris. Arrives Paris. Tries to locate Jens. Unsuccessful so goes to bed at horrible guest house. [Jens left wrong number as message] General state of panic.”

Alleged “perversions of truth”

Let’s return to when Soering allegedly confronted Haysom about her “perversions of truth”. Can we work out when this alleged confrontation supposedly took place? We know that when Haysom wrote her pages, they were compiling the notes together on way to, or in, Thailand. Is there any evidence of a confrontation taking place? I found absolutely none. Is there any evidence that this confrontation didn’t take place? Yes, there is.

Both Haysom and Soering agree to this day that they started to write the diary several weeks after leaving the US. By then they had got as far as Thailand. At the first “sitting” of writing the diary notes they recorded events from October 5 through October 25. Soering, in his own handwriting, tells us in the diary that on December 30, he continued to write the notes covering from the middle of

October 25, to December 30. Also, in the diary he tells us that on February 23, he wrote from January 1 through to the end of the diary on February 23. So, the whole of the diary was written on only three separate occasions.

The “confrontation” described by Soering, when he supposedly challenged Haysom about her “perversions of truth”, would have to have happened at about the time he took over writing the diary. That was months before they arrived in the UK. He corrects the entries dated “Oct 21. Mon” and “Oct. 22 Tues.” and from then on he writes the diary. Remember though, although he writes from October 23 onwards, he is writing it later in Thailand in November. We know that they travelled to Thailand on November 5th/6th, so, according to Soering, he was aware of her “perversions of truth” in early November. He tells us himself, *“But from then on I wrote all the entries, so our journal would be purely factual.”* The problem for Soering is that it’s very clear from his answers in interviews the following year, he did not know Haysom had lied. That’s because this alleged confrontation never happened.

We know that Haysom did write some lies in those first few pages. Soering says:

“Why did she write down those other lies, about a brain tumour, etc.? The only explanation she ever gave was that nonsense about an adventure book. But including obviously untrue stories in the diary only makes sense as part of yet another scheme.”

The *“nonsense about an adventure book”* did not come from Haysom, it was a statement made by Soering. Because I asked Haysom and Soering the question, I can say with 100% accuracy, that Haysom did not tell me that, it was Soering who said they were ideas for a book. It was his “nonsense”. He lies when he says it was Haysom. He is also wrong, although not necessarily lying, when he says that this explanation was accepted. Not for one second was his explanation accepted by me, though I did give the impression that I was satisfied with his answer. In fact, it was this answer from Soering that convinced me that they were involved in something far more serious than the fraud offences. Some of the diary notes referred to the UK frauds, which I knew to be true, so, to me it wasn’t logical for part of the diary to be true and part to be fiction. Soering saying that the diary entries were just ideas for a book prompted me to continue my enquiries over the next few weeks.

But it is also a lie when Soering says it was *“The only explanation she ever gave”*. Haysom did give another explanation as to why she wrote some lies in the diary. And her explanation does make sense, though it doesn’t fit nicely with what Soering now says. Haysom told us in 1986 and Gardner in 1987 that she didn’t want to run from the US with Soering, so she made up excuses not to go with him. The “brain tumour” was one such lie, “Irish Rover” and the IRA was another. Soering was suspicious about the brain tumour, but he totally believed that Haysom knew a man named “Rover” who could get them some false passports. When Haysom followed Soering to Europe, and he insisted that they write down their story for a book, Haysom was committed to maintaining the excuses she had already given him for not leaving the US with him. It is not true that Haysom never gave any other explanation for her “perversions of truth”.

Here is the explanation that Haysom did give on June 8, 1986:

Beever: “I see. Ah, let’s discuss your departure to Europe. You both travelled, separately didn’t you?”

Haysom: “Yes we did.”

Beever: “Why was that?”

Haysom: “Well for – even though I had gone to Europe on holiday with Jens – I love him very, very much – I – thought he hadn’t never really reconciled my {?} that he had butchered my parents. And I had often thought of not necessarily going to the authorities but of speaking to other people about what had happened or give them an idea or whatever and when Jens said to me that he wanted to leave I told to him, that I could arrange to get passports for us through the IRA and he believed me because I had come into contact with some rather disreputable types in Berlin when I had been there before. And I told him that I could only speak to this guy Rover who was fictional and on a Saturday night – that’s when we had planned to talk. And Jens bought that. He did several times say to me that if I didn’t turn up in Europe I think he was a little bit suspicious because it was all so out of the blue why {?} before that he would kill himself or he would come back and get me and various things like that.”

When Haysom was extradited to the US she was interviewed again. She gave a detailed explanation of why she lied to Soering about her “brain tumour” and

“Irish Rover”. The explanation is perfectly logical and whether it is true or false, it is still an explanation. An explanation that Soering chooses to say doesn’t exist.

Although it is of considerable length, I will reproduce part of Haysom’s US interview below so there is no doubt in the mind of the reader:

Gardner: “This is yours? OK. Of course it says -- October 5, at that – let’s see, let me look at my calendar here October 5 actually was a Saturday and you have Saturday Jens goes to see Officers Reid and Gardner. That was on Sunday. But that’s just – that could be a mistake. We talked --”

Haysom: “Well as I say, it was written in retrospect, so --”

Gardner: “Why?”

Haysom: “I don’t know,”

Gardner: “It was written in retrospect, after the fact and ---”

Haysom: “I’ll tell you why. Jens wanted to write it down.”

Gardner: “And you wrote it?”

Haysom: “Well, it’s bad enough because I had the neatest handwriting so we thought of it together and I wrote it out and then because [?] I put it down incorrectly he took over and he wrote the rest of it.”

Gardner: “Obviously.”

Haysom: “It was a joint diary.”

Gardner: “Jens phones Reid and Gardner that he would do the tests following Wednesday because of midterms, and that was October 9, Wednesday. That’s accurate, that’s pretty accurate because he was going to meet me on the 16th, but of course he was stalling – is that a good word?”

Haysom: “Yes”

Gardner: “He wanted to get the heck out of dodge because he was afraid we had gotten his fingerprints I guess at the – at Loose Chippings. Did – I can’t remember – do you remember being questioned about this before?”

Haysom: “I don’t remember.”

Gardner: "I don't think that – I know I haven't and I don't remember if Beever –"

Haysom: "Ah yes, I was questioned about it to do with my case in England."

Gardner: "Yeah, Ok, that was something about the embezzlements or something, the fraud, the check fraud, --"

Haysom: "and Special Branch as well"

Gardner: "OK because it maybe the IRA or somebody –"

Haysom: "That's all Jens handwriting"

Gardner: "This is Jens'? I was just flipping through it –"

ERH: "Yes that's Jens's. Is that mine? Yes that's mine. Jens starts taking over because that spelling is incorrect."

Gardner: " OK. So that's about October the 22nd which is a Tuesday. OK is that about right?"

Haysom: " Um, hum."

Gardner: "That's when it goes from your handwriting to his?"

Haysom: "I don't know if there is anymore.."

Gardner: "Do you remember when this was written?"

Haysom: "Well, I was just thinking. I thought we bought it in Thailand but I remember we did some of it on the flight which means that maybe we bought it in Austria. I thought we bought it in Thailand, but anyway, but anyway, it was about, I would say about a month, six weeks, I can't really remember when we went to Thailand anymore but ---"

Gardner: "OK, I'm just curious. Jens has her tumour"

Haysom: "No, E"

Gardner: "I mean, excuse me, I'm on the ball here. Elizabeth has her tumour out experimental laser tech. What kind of tumour did you have?"

Haysom: "OK. I didn't have a tumour. (laughs) When Jens came back on Sunday and said that he had a really great discussion with you, and you had fallen for his lying and all that sort of bullshit, you know, ah you're

not thinking about this clearly. They're not going to stop now, they want to do tests. You're going to do them or you're not going to do them. They're not going to be put off by the fact that you speak nicely and the rest of it"

Gardner: "Um, hum."

Haysom: "And what then transpired was Jens thing of leaving. OK. We thought about you know the time of setting up when we should phone you and all that business to put you off and during this time ah, I was seriously considering coming in, giving myself up. So I didn't want him to get caught. So I told him I couldn't leave with him because I was sick because he knew I had been having blackouts and I was still fainting. Ah, and I would ask the doctor and – he knew I was up to something and we wanted to get on the flight together of course you know if something was to happen so I came up with the story that I had a tumour that I had to have taken out. You see?"

Gardner: "OK, so that was –"

Haysom: "-- And it didn't work. The actual story didn't work because he didn't buy it – he wasn't prepared to leave me, he said I'm going to stay with you, and so then I thought up this that, well, I'm going to see some terrorists. (laughs)

Gardner: "Is this time? On October 12, Saturday. Write letter Jens. Lizzie throws fit with Chris and David over shopping. Jens wipes fingerprints from room"

Haysom: "I don't know if he wiped his room, but he goes on to say that I did that I did all the cleaning and stuff. Ah, he asked me to do that but I didn't. So I couldn't tell him I hadn't.

Gardner: "To continue. Passport photos done. Leave Charlottesville at 1:00 P.M. late for D.C. in Sirocco. Park at National Airport Satellite Parking, da-da-da-da ah, barely catches People Express to Newark. Now were you with him?"

Haysom: "No"

Gardner: "OK. So it was set up that he was to leave one day and that you were to leave the next.

Haysom: "No, not from Jens' point of view. Jens' point of view I was out meeting him on a separate day but not to make it look as if we were disappearing separately so much but I was supposed to be going off to seek photographs to get passports from these terrorists that I knew. (laughs) oh God –"

Gardner: "Rover?"

Haysom: "Yes"

Gardner: "Yeah, OK"

Haysom: "Because I didn't know what to do. I didn't want to go and I didn't want to tell on him and I didn't want to tell on myself but I didn't – I was confused. Anyway –"

Gardner: "So he left on Saturday?"

Haysom: "He left on Saturday. I was supposed to leave on a Monday –"

Gardner: "And where were you supposed to catch up with him?"

Haysom: "I was supposed to meet him in Paris on a Tuesday but, but – because there were no terrorists you see and because (laughing) I know"

Gardner: "OK. Go ahead"

Haysom: "I mean yes I was really warped. Ah, I couldn't stand the pressure of staying in the house any longer and not being able to come to a decision. I just got on the plane, so I didn't have to come to a decision"

Gardner: "Elizabeth begins packing and writes letters, or excuse me, letter. Jens calls from Newark to invite me to join Richard and myself in D.C. That's rubbish?"

Haysom: "No, the story was (laughs) Chris and the other people in the house that Jens had gone to meet some friend from Atlanta in D.C. and we had a big fight supposedly so I didn't go with him."

Gardner: "So that's why she told us that?"

Haysom: "Right"

Gardner: "Elizabeth cooks dinner with Chris and David 10:00 o'clock Howard phones. All right, now, what? He's supposed to meet you? He"

was supposed to meet with you on – yeah, that Sunday, right, and then that's when – OK"

Haysom: "Ah, I was so paranoid and so uptight and so buzzed off that I thought I don't know why that maybe he did it but anyway I thought he knew and I had to get out of there and –"

Gardner: "This, you say this was written in retrospect though. You know, it seems like it's so – current"

Haysom: "I know but those were very vivid days – "

Gardner: " Because it says you know, I read on, it says the case is about to be solved perhaps finger prints on coffee mug used by Jens in Bedford interview gave him away because we gave Jens coffee here, and we was going to lift his fingerprints off the coffee mug. And the laser was brought in over there in Boonsboro and that's when – did you read about that in the paper?"

Haysom: "No, I haven't seen –"

Gardner: "I know that. But remember when the investigation was going on and we brought the laser in from Florida, do you remember that at all."

Haysom: "(laughing) no –"

Gardner: "OK, Jens did. Jens did. He said he remembered reading that and he told me that that's what was – he knew that he had been had, more or less. Ah, Elizabeth, Chris, and ECD"

Haysom: "He never mentioned any of that to me (laughs)"

Gardner: "Go midnight shopping walked to corner of Barracks Road Shopping Center to buy hair dye. You dyed your hair?"

Haysom: "Red"

Gardner: "Which you've done before? But obviously this time you are doing it for an obvious reason"

Haysom: "(laughs) (?) disguise (?) red it looked stupid"

Gardner: "Cooked cookies while hair is colouring 2:00 A.M. Rover phones. I.R.A. feels their situation in London has been put in jeopardy"

Haysom: "OK, there was no phone call, but Jens wasn't to know that. I had to explain to him why I pitched up in Paris on a Monday not a Tuesday so I'd say this guy phoned and was setting me up."

Gardner: "So you were lying to Jens?"

Haysom: "yes, that's what I'm saying to you. The whole business was the beginning is a fabrication to Jens."

Gardner: "OK. Angry and uncooperative, Elizabeth spends rest of night cleaning and wiping total apartment. Chris and David decide to be in love. Did you tell me or did I miss when you wrote this or when this was written?"

Haysom: "I said I retrospect about four to six weeks after we left. I wish I had – I wish I had my passport – here to remember when – I know when we left ah, I mean when we went to Thailand and thing, because we were going so much"

Soering says, *"When I confronted Elizabeth about the laser surgery, the fingerprints and the other fictional passages she gave me the same excuse she gave the English police in April,"*. He is telling us that he became aware of the lies that Haysom recorded in the diary. He says that after the alleged confrontation he wrote the diary from then on. From his statements we can establish that he says he confronted Haysom some time in November 1985, and therefore he was aware that "Rover" did not exist. This must be so, because they didn't start writing the diary until November in Thailand. Soering tells us in the diary that on December 30, he wrote the entries from October 25 through to December 30, and "Rover" is mentioned before October 25. The final part of the diary was written on February 23, 1986. So, even if we allow Soering some considerable leeway on when he is supposed to have confronted Haysom about "Rover" and her other lies, then it still had to be before February 23, 1986. This was several weeks before he was arrested in the UK.

Soering says he knew "Rover" was a lie, but there is absolutely no question at all that when Soering was arrested, for the fraud and later for murder, he still believed that "Rover" was a real person. I had found Soering's hand-written notes on making pipe bombs, and several other subjects of interest to terrorists. So, I called in the Metropolitan Police Special Branch. At that time Special Branch were the intelligence wing of the counter-terrorism effort in the UK. Two officers from Special Branch spoke to Haysom and Soering in the cells

at a remand hearing at Richmond Magistrates Court. There was no doubt that Soering had not yet found out that "Rover" didn't exist. Weeks after that, Soering was interviewed in relation to the Haysom murders. This is what he said:

Soering: "Yea, that's what we're talking about. We're talking about organised crime."

Gardner: "Are we talking about Rover?"

Soering: "Absolutely not, but .."

Gardner: "Rover is a different dude."

Soering: "Ahh, ahh, ahh, let me -let me tell you about okay. What Special Branch had told me about Rover. Alright? As far as I know I have never spoken, seen or had anything to do with Rover. Or in fact the IRA which was a Special Branch (inaudible) for a while. Alright?"

Gardner: "Yes."

Soering: "For one thing I don't like the IRA. Alright?"

Gardner: "Okay."

Soering: "I know that from your point of view it may be hard and see what you believe, but it may be hard to believe right now, but I do not approve of bombing civilians at all. (inaudible)"

Soering: "Yes, at all. Okay."

Gardner: "Uh huh."

Soering: "Ahh .."

Gardner: "Go ahead."

Soering: "Rover was somebody that as we've explained to Special Branch and Special Branch believe us. Rover is somebody Elizabeth apparently met years and years ago in England."

Gardner: "Uh huh."

Soering: "Who was dealing drugs at the time and happens to be a member of the IRA who gave her phone number with advice that if she ever needed any help to call this number. Alright? He in fact did ... very ..."

something very similar to what this person in Ashford did, in prison did. Okay? Which is give us a number, a name or address or some form of contact which is now coming up and causing us lots of trouble, even though we had nothing to do with these people.

Gardner: "Uh huh. I don't know if you could say you had absolutely to do with them, but go ahead."

Soering: "Well in fact a phone call was made and he phoned back and said, "Get lost." Alright. "People are getting arrested and its your fault, as far as I know." Alright.

Gardner: "Okay."

Soering: "And what Special Branch told me was that whoever it was in fact arrested. Because I mentioned the name Rover to them. Or rather they mentioned it to me."

Gardner: "Yea."

Wright: "What was the purpose of contacting them at that time?"

Soering: "At that time? He was supposed to get us passports. Right?"

Wright: "Uh huh.

Soering: "And you know why we wanted passports?"

Gardner: "No why did you want passports?"

Soering: "Cause we don't want you to find us."

Gardner: "Okay."

Soering: "Right."

Wright: "Can I ask andyou have got passports already."

Soering: "Our own passports, yes."

Wright: "Oh you wanted him to get you some other passports?"

Soering: "Yes, that's what Rover apparently does. That's what Special Branch told me. He was arrested ..."

Gardner: "Is that a code name?"

Soering: "As far as I know. Yea. I doubt if it's his real name."

Gardner: "It says 2:00a.m. I'm taking this from the diary - October 12th which was Saturday and you said this was Elizabeth's handwriting."

Soering: "Yea."

Gardner: "2:00 a.m. (excuse me Terry.) 2:00 a.m. Rover phones. IRA feel that their situation in London has been put in jeopardy by "E". Elizabeth.

Gardner: "Right. But you know. It seems like to me "angry, and uncooperative E. spends the rest of the night cleaning, wiping total apartment. Chris and David decided to make love. Excuse me. The point I'm making is, she says here that he is angry and uncooperative"

Soering: "Right."

Gardner: "Yet you're coming over here to see him. If this dude is mad at me I'm not going to go see him."

Soering: "But see I didn't come over here to see him. I didn't say that."

Gardner: "No you didn't."

Soering: "We were supposed to, we were supposed to. Alright?"

Gardner: "Okay."

Soering: "But she made a phone call and then he phoned back, alright and said "Get lost" and in fact I've never met Rover. And she did not meet Rover when she came to London, alright."

Gardner: "This time."

Soering: "Yes. She met Rover years ago when she was still using drugs and he sold her drugs which is apparently how Rover makes money. As far as I know. And you know like I said I have no knowledge of Rover besides what I've told you."

Gardner: "Sorry."

Soering: "Alright."

Wright: "Jens you spoke to him yourself on the phone?"

Soering: "No."

Wright: "Oh I'm sorry I thought a few moments ago you said ..."

Soering: "Elizabeth did that. I didn't have the phone number."

Wright: "You said you mentioned .. what was it he said? He mentioned something to him on the phone."

Wright: "So Elizabeth anyway. Elizabeth spoke to him on the phone."

Soering: "Yea, I'm sorry. I did not speak with Rover, alright."

Wright: "Now can I have the telephone number that you've been given by the man in Ashford then please."

Soering: "That would have been something that got torn up anyway, he did not give me a telephone number. He gave me ..."

Wright: "A contact?"

Soering: "Huh? Himself. Alright?"

Wright: "Oh I see."

Soering: "Himself."

Wright: "Okay. Well we might be getting off the realms a little bit here."

Soering: "But ... I mean .. well let me ..let me.. let me finish what I was going to say before we started for some odd reason bringing Rover in again, alright. Rover was .. I can't believe this."

Wright: "Well it just followed on."

Gardner: "We just went that way and I apologise for that."

Soering: "Well the point is that the Special Branch and you, Mr Gardner know everything, and you two know everything that I know about Rover and I think Elizabeth knows more than the four of us in so far as that she knew what he looked like years ago. Alright?"

Gardner: "Uh huh."

Soering: "Certainly since we left America. As far as I know Rover has never been to America, whoever Rover is. Alright, there has been no contact with him or any other member of the IRA. Alright? Because we've got a contact ... a telephone number, that was phoned by Elizabeth, he called back and said "Get lost." Alright.? And apparently they are not the sort of people one messes around with. Alright?"

Wright: "Yes."

Soering: "Now end of story."

It's very obvious that Soering was still convinced that "Rover" was a real person long after his alleged confrontation with Haysom should have taken place. He has lied again and not very well. He has tried to use Haysom's excuses for not leaving the US with him to discredit the entry about his fingerprints on the coffee mug. Unfortunately for him, his own notes telling us when he wrote the joint diary and his later account in his book *Mortal Thoughts* have caught him out. It shows without any doubt that his later version of events is not true.

I can't be sure why Soering now attributes Haysom with the comment about writing ideas for a book. I suspect that he now realises that he accepted co-ownership of the diary notes in 1986, including the note about the coffee mug, and now he wants to disassociate himself from them. What I do know is that when Soering makes a statement that involves himself and Haysom only, then to establish the veracity of his statement, I need to search for any evidence that supports it. But when he makes an untrue statement about an incident that involved me too, then I need no further evidence, I know it's a lie. Saying that Haysom told me the diary notes were ideas for a book is one of those lies.

Was Soering really worried he could be traced through his fingerprints?

The "diary" presents a huge problem for Soering's latest version of events. The note saying, "*The case is about to be solved*", provides a perfectly valid reason why he would want to run away from the US. And then he did run away. Many years later he claimed his confessions to murder were false, but why then did he run? When interviewed in 1986 Soering and Haysom both said that in October 1985, the Bedford Investigators were putting pressure on Soering to give his fingerprints and blood. Haysom had supplied hers already, so no pressure there. Soering and Haysom both said that after speaking to the Investigators Soering was frightened that they may have recovered his prints from the coffee mug he used, and they would link him to the Haysom murder scene. They both said that the diary note referred to his fear of being caught. The note reads "*The case is about to be solved.....' [perhaps finger prints on coffee mug used by Jens in Bedford interview gave him away.]*".

Soering still says that he ran from the US because he thought he was about to be arrested, but he denies that he thought his fingerprints would link him to the murders. He still says he wiped his room and car clean, but he says he did so because he didn't want to be traced when on the run.

Let's examine this claim by Soering more closely. He denies being worried that his fingerprints would link him to the crime scene, and I repeat, he now says that he wiped his apartment and car clean so that he could not be traced while he was "on the run". But in 1986 there were no electronic fingerprints, no fingerprint scanners, and no checking of prints at any airports. Soering need only be worried about being traced through his fingerprints if he was to be arrested for something. He clearly wasn't worried about that too much judging by the criminal offences he committed in various countries. But never mind being tracked by fingerprints, they would not be his main worry. He was travelling everywhere using his own name and his own passport. He was even using his father's credit card all over the world. In 1986 the only way that he would have been traced would be through his name, identity documents and passport. It was only through finding the passports of Haysom and Soering that eventually I was able to find out there had been a murder investigation. Even after I knew Soering's true identity, and had his fingerprints, it still took about five weeks for me to find out that there was a murder enquiry in Bedford. And that was only because I persevered. Despite doing enquiries through Interpol, and through the FBI Legal Attaché at the US Embassy in London, I did not link Haysom and Soering to the Haysom murders through his fingerprints, it was through their names.

To say that Soering tried not to leave his fingerprints in the US because he didn't want to be traced, is a ridiculous notion for other reasons too. Haysom had already supplied her fingerprints, and everywhere he went she was travelling with him. From October 15 onwards, they were together 24 hours a day, every day until they were arrested in the UK. If he could be traced through fingerprints then she could also be traced, and he would be traced because he was there with her.

Do not forget that Soering as good as supplied the investigators with his fingerprints anyway. He left letters behind, some of those letters were addressed to the Bedford investigators and written personally by Soering. It is most likely that Soering's fingerprints were all over them. Lifting latent finger

marks from paper documents was a well-established, routine procedure in 1985.

Soering also contradicts himself in his book *Mortal Thoughts*. He says he didn't want to be traced, but in his book, he also says:

"There we spent an entire day making cash withdrawals with my father's VISA card to replenish our ebbing travel funds. Liz and I hoped this trail of VISA bills from Vienna westward to Salzburg would lead the pursuing police forces to search for us in Germany or points west."

So, he did want police to trace him then.

What do Watson, Harding and Hudson say about the diary?

In the opinions written by Watson, Harding and Hudson, they seem to have failed to recognize the significance of the diary entries, or they have chosen not to apply any significance to them.

Watson says:

"The letters and diary produced at trial contained no confessions. They provide no basis for determining whether Soering committed the crime or merely covered it up."

Of course, Watson's comment about determining guilt is not valid. He has only read about the case many years later, he is not qualified to contradict a jury that heard all the evidence presented at trial and found Soering to be guilty of the murders. He seems to have forgotten that Soering is not being re-tried. His opinion that the diary provides no basis to determine whether Soering committed the crime or covered it up completely misses the point. The point is that notes in the diary clearly contradict Soering's later claim that his confessions of 1986 were false. Soering's attempt to explain away the note written about fingerprints on a coffee mug could not have happened as Soering now claims. The diary is very significant even though Watson's "investigation" failed to notice it.

Harding and Hudson don't appear to mention the diary notes at all. Perhaps they don't want to acknowledge the note about the fingerprints (Soering's fear

of leaving his fingerprints) on the coffee mug, or perhaps they think the diary is just not relevant. But, in a proper investigation everything is relevant.

Conclusion:

In 1986 Haysom said she helped Soering in the planning and setting up of an alibi so that Soering could murder her parents. She will still say that if she is asked today. In 1986 Soering said he murdered the Haysoms. Now, he says he was telling lies. It's obvious that in one of his versions he must be lying. With my personal knowledge of the case I know that the book *Mortal Thoughts* is full of lies. Almost every paragraph contains a lie. When I first decided to look again at the evidence in this case, it was because I had heard that DNA evidence eliminated Soering. If that was so then I would willingly campaign for Soering's release. When I read the DNA evidence, I found that it does not eliminate him at all. Soering and his many supporters have misrepresented the DNA evidence. Soering has made many legal appeals over the years and all have been rejected. Having exhausted his legal remedies, he now uses his book *Mortal Thoughts* to propagate his lies and claims of innocence. But close examination of what he says in his book and a comparison with original case knowledge, case notes and documents, show that his claim of innocence contains a multitude of lies.

The notes written by Haysom and Soering, referred to as a "diary", is a significant document in this case and much of it is useful in determining whether Soering told the truth in 1986 or if he is telling the truth now. His current version of events does not fit with the diary at all. It's clear that what he now says is not true.

Did Soering really make “seven major errors” in the confessions of 1986?

We hear all the time that when Soering made his confessions he made several errors that “the real killer would not have made”. What are these errors? Soering, through Gail Ball, says there are seven of them.

In a document submitted to Governor McDonnell entitled, “Why the Haysom/Soering Case Warrants Reconsideration”, Ball lists these “seven major errors” and annotates them “a – g”.

The so-called “seven major errors” listed

The “seven major errors” she referred to are listed below with comments added to each of them:

- A. *Soering gave a wrong description of Nancy’s clothes* – When asked what the victims wore Soering said he couldn’t remember, then said “jeans”. This was the only error he has made.
- B. *Soering’s description of the dining table seating arrangements make his account of the fight impossible* – It certainly does not, this is a complete misrepresentation of the facts.
- C. *Soering got the location of the dead body of Derek Haysom wrong* – He did not, this is an outright lie. He got the locations correct but showed the wrong orientation.
- D. *Soering identified a butterfly knife as the murder weapon, and it was established that the murder weapon was a single edged buck knife* – These are two outright lies.
- E. *Elizabeth Haysom testified that the murder weapon was a blood-stained, single-edged steak knife found in the dining room table’s drawer.* – This is an outright lie.
- F. *That one person could not kill two others and in different rooms* – Only an opinion, not an error, in addition, it’s a misrepresentation of the facts.
- G. *Forensics establishes two perpetrators* – It does not. Only an opinion, not an error, and it’s a misrepresentation of the facts.

The first so-called “error”, regarding clothing worn by Nancy Haysom, is a statement made by Soering at a time when he couldn’t remember what Nancy Haysom was wearing. When making his statement he wanted us to know that his memory was vague and that he wasn’t sure what she was wearing. Another of the “errors” is just a complete misrepresentation of the facts regarding the place setting at the dining room table, three other “errors” are outright lies by Soering, and two are just biased opinions from Ball not supported by any evidence whatsoever.

A succession of people following on after Ball have also talked about the many errors Soering is supposed to have made, but then they are unable to list the “many”. They usually list only two, or, occasionally three. They often say, “I could name more”, but they never do. It appears that none of them has ever taken the time to check the voracity of Soering claims. Had they done so they would have established that his claims are not true.

When referring to the “errors” Gail Ball says they include “wrong clothing, wrong room (location of one victim), wrong type and wrong location of the knife.” She has managed to ‘bulk out’ this list to four so-called errors, but only because when referring to the knife she has counted it as two. Then, when she goes into more detail, she adds some opinions and presents her opinions as being errors in Soering’s confessions that the real killer would not have made. Once again, the list of “many” so-called errors is not as long a list as we are led to believe.

Make no mistake, these so-called errors have not been thought up by Ball and others, they originate from Soering himself. They are in his books and his legal submissions to Courts, Parole Boards, and previous Governors, and he repeats them frequently to the news media. These lies originate from Soering and he uses other people to repeat them.

On several occasions within other sections of this report I have said that if Soering is now telling the truth and he is innocent, there would be need, and no benefit for him in telling any lies since 1990. Many of the issues in this case could be said to come down to a choice of who is most believable, Haysom or Soering? But for many of his claims there is no need to decide who you believe, for many of them there is irrefutable evidence available showing that Soering is lying. I can draw attention to many lies about his treatment and questioning in England with absolute certainty. Several of Soering’s lies are contained within this list of so-called errors.

Statements known to be lies

1. Soering did not describe a butterfly knife at all. He is lying when he says he did. I know because I was there.
2. Medical evidence did not establish that the murder weapon was a single edged buck-type knife.
3. Soering did not say that the body of Derek Haysom was in the dining room. He is lying again, and once again, I know because I was there during his interviews.
4. Elizabeth Haysom did not say she knew which knife the murder weapon was. Another lie.
5. The knife from the dining table drawer was not blood-stained.

Please also take notice that Soering tells everyone that his confession took place on June 8, 1986. It was evidence from this date that he tried to have excluded from his trial. The reality is that he confessed many times during his five days in police detention. Proof of this can be seen in his list of so-called errors. For example, he says his confession about the locations of the bodies is an error that the real killer would not have made. Soering drew his plan marking the location of the bodies on June 5, 1986, the first day of interviews. He says that his statement about the clothes Nancy Haysom was wearing when she was killed is another error. That statement was also made during an interview on June 5. At the same time as he is pointing out his so-called errors, he is also acknowledging that he confessed as early as June 5, 1986.

Comments on the so-called “errors”

Each so-called error listed by Gail Ball is discussed below:

The victims’ clothes

Gail Ball:

a) Nancy Haysom wore a flowery housecoat, not jeans as he claimed.”

My comments

Soering was asked what clothing the victims wore. He said that he was confused on that point and hesitated for a long time. He eventually said that Nancy Haysom wore jeans, but it was not a confident answer. Was his description of her clothing correct? No, it wasn't, she was wearing a flower-patterned housecoat. Is this an "error that the real killer would not have made"? No, the fact is that Soering simply couldn't remember and he told us so. He repeated many times to us, and to the German Prosecutor, that due to the alcohol he had consumed, his memory was very vague. He wanted us to know that his memory of what took place at the murder scene was a "series of still images" with large gaps in between.

This is what Soering said:

Wright – "Jens, can you remember what they themselves were wearing... Nancy and Derek?"

Soering – "What they were wearing... (long pause) That's a very hard question. Let me try to think. I think Mrs. Haysom was wearing jeans.... I think, ah .., but I., like I said ah... it's... I would say that part of it is very.. very confused."

Wright – "It's vague?"

Soering – "Yes, very confused."

This was not the first time that Soering's memory was affected by alcohol consumption. He also told the German Prosecutor about a previous occasion when he got drunk at UVA. He said that while on vacation after he finished school and before attending UVA, he had met a girl in Mexico. He knew her for only a few days and yet he decided he was in love with her. Soering told the German Prosecutor that this was also a "problematical relationship". Later, when Soering was at UVA, he was so upset about his love for this girl that he got drunk because of it. He said that while he was drunk, he attacked a fellow student several times. When he sobered up, he could not remember any of it. Soering told the Prosecutor that there would be witnesses at UVA to this attack who could confirm that this incident did happen.

Soering described the Haysom crime scene exceptionally well, giving many small details that could not have been rehearsed. The clothing Nancy Haysom wore is the only thing he described about the crime scene that is not correct. When he was asked the question about clothing, he was busy telling us the

details he could remember, and the question about the clothing was something he couldn't remember specifically.

Soering's statement that Nancy Haysom was wearing jeans was not a "major error that the real killer would not have made". He simply couldn't remember because he was drunk at the time.

Seating arrangements at the dining table

b) "He claimed he sat to Derek Haysom's right at the dining room table where the altercation began. However, crime scene photos show the second place setting to Derek Haysom's left. This makes his description of the fight impossible."

This statement is an outright misrepresentation of the facts. Soering's description of the dining room seating arrangements, and the subsequent attack on the Haysom's, fits perfectly with the crime scene evidence and does not make his description of the fight impossible. The "second place setting to Derek Haysom's left" referred to by Ball is where Soering said that Nancy Haysom sat. There is no place setting where Soering said he sat, there wouldn't be because he said he threw away his utensils. What Soering said does fit with the crime scene evidence. He told us, and the German Prosecutor, that he threw away his cutlery and glass through fear of leaving his fingerprints at the scene. The account given by Soering is totally consistent with the evidence depicted in the crime scene photos.

What is interesting is that in saying that his confessions contained an error, Soering and his followers say, "*However, crime scene photos show the second place setting to Derek Haysom's left.*" How does Soering know which of the two place settings at the table was where Derek Haysom sat? Once more, facts known only to Soering, creep out from his subconscious into his writings, and they fit perfectly with the crime scene evidence. He has also inadvertently told us in which room the attack began. Again, how does he know that?

Does any evidence support that Derek Haysom sat where Soering described?

There are 24 possible seating combinations to seat three people around a four-sided table. Soering described a scenario that fits perfectly with the crime

scene evidence. He said that he sat with the window behind him, Derek Haysom to his left, and Nancy Haysom was opposite him. To say that his description of the seating arrangements does not fit with the evidence available is simply not true. Of course, Soering might say that he knows where Derek Haysom sat because Elizabeth Haysom told him. But Soering cannot say that Haysom told him that because if he does, he couldn't also claim that his description of the seating arrangements is wrong through lack of knowledge.

During interviews Soering said *“and somehow Mr Haysom had still eaten ice cream.”* He also said that when he was arguing with the Haysom's, Derek Haysom was waving a spoon at him. Crime scene photographs do show a bowl at the place setting where Soering said Derek Haysom was sitting. But there is no record anywhere that the bowl had contained ice cream. The bowl was submitted to the Lab, but they checked it for fingerprints and blood traces and consequently it has never been said publicly that the bowl may have contained ice cream. The crime scene officers did think there was residue of ice cream in the bowl, but they didn't record it because their opinions would not be evidence. Just as they didn't record “blood” on any items from the scene even though it obviously was.

It is not true that the dining table seating arrangement as stated by Soering make his description of the fight impossible.

Sketch plans of the body locations

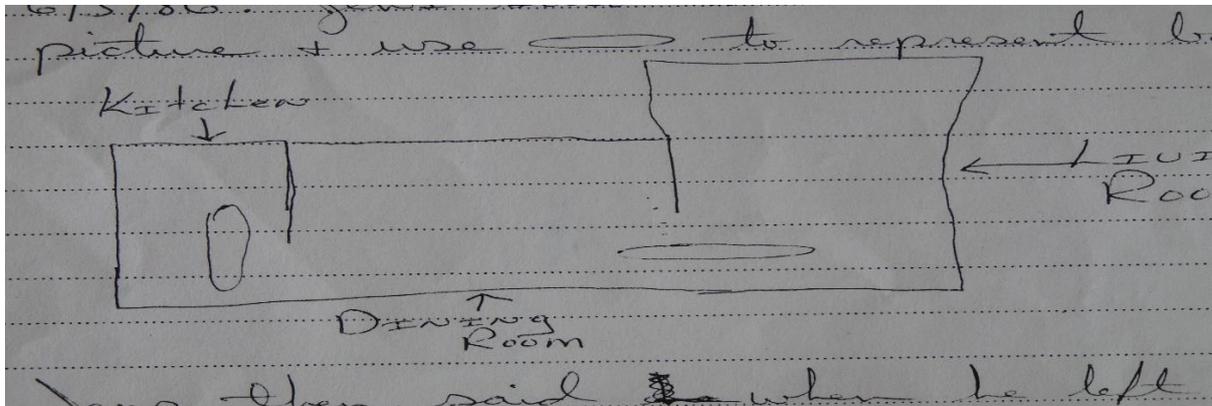
c) *“He sketched Derek Haysom's body in the dining room, but it was found in the living room.”*

The two diagrams shown below are what Jens Soering “sketched”. You can see very clearly in them both that Soering did not locate a body in the dining room.

In interviews Soering said *“I can tell you only that I have two hazy memories of the bodies.”* The two “hazy memories” were of the legs of Mr Haysom in the living room, and the upper part of Mrs Haysom in the kitchen. The locations he gave are exactly where they were found. Of all the possible locations in the house where the bodies could have been, Soering marked them exactly. In his

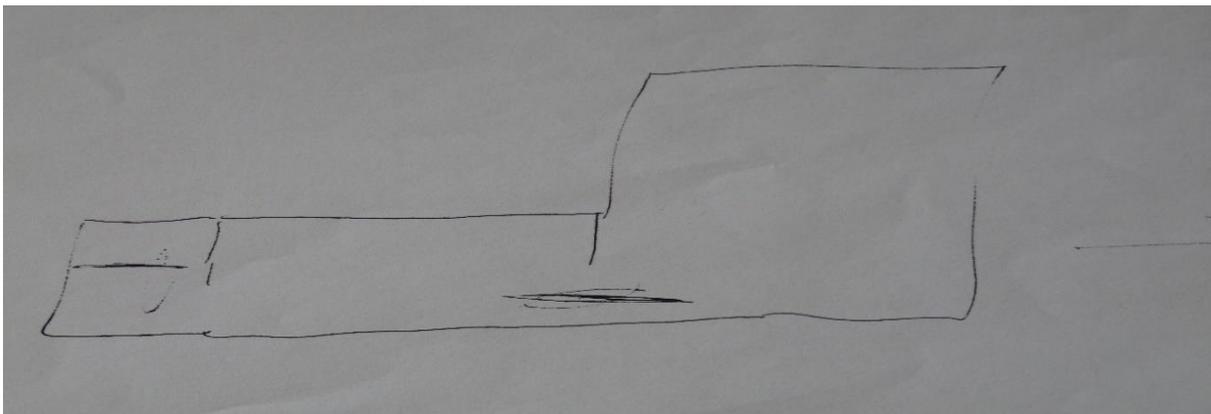
drawings there are some inconsistencies with the orientation of the bodies compared to how they were found, but not their locations. The two “hazy memories” are spot on.

Plan drawn by Soering on June 5, 1986, showing the locations of the bodies



On June 7, 1985, Soering said he wanted to amend his plan and drew a second plan of Loose Chippings and again marked the locations of the dead bodies. On this second plan he marked the dead bodies in the same locations except that he changed the orientation of the mark he drew in the kitchen. Soering also commented that Nancy Haysom’s head was closer to the back of the house, and Mr. Haysom’s body was more into the dining room and more towards the back of the house (note that he did not say the body was in the dining room). He said that Derek Haysom was lying in a curved position and his head was pointed towards the kitchen.

Plan drawn by Soering on June 7, 1986, showing the amended locations of the bodies



Looking at both plans drawn by Soering, you will see that one body is marked in the kitchen, the other is mainly in the living room, into the doorway and partially into the dining room. But he always said his memories were hazy. Perhaps Soering is not the best of artists or plan drawers, but his verbal descriptions were extremely accurate. He made several statements about the locations of the bodies telling Investigator Gardner exactly how Derek Haysom was lying on his side in a curved position in the doorway.

A crime scene plan showing the locations of the bodies when found (from the Harding "Press Pack"):



June 8, 1985, Soering made the following comments:

1. He did not see either victim fall down.
2. When he returned to Loose Chippings, he saw a small pool of blood around the head of Nancy Haysom.



3. he returned to Loose Chippings Derek and Nancy Haysom were both on the floor not moving.
4. When he returned to Loose Chippings, Derek Haysom was on his side, feet out of the door, facing the front of the house.

On December 30, 1985, Soering said to the German Prosecutor and his German Defense Counsel:

Soering – “I can tell you only that I have two hazy memories of the bodies.”

Soering – “I only saw the legs of Mr. Haysom as he was laying on the floor, and actually next to the passage way between living and dining room. And then I can still remember that I saw Mrs. Haysom’s upper body as I said, also very vaguely in the kitchen, but it was like I was standing next to her, let us say, perhaps at the sink, I don’t know, and tossing a glance at her.”

Prosecutor – “You went back once more you said, and you saw the bodies lying there, one in the kitchen and one in the living room area?”

Soering – “Half in the dining and half in the living room. I can only remember that the legs of Mr. Haysom were in the living room and the upper part of Mrs. Haysom were in the kitchen.

Soering – “I saw shortly before I ran out, that Mrs. Haysom was in the kitchen and Mr Haysom was just getting up, and that the two pictures, mainly Mr. Haysom’s leg in the living room and Mrs. Haysom’s upper body in the kitchen. These are the real sole clear things I can remember.”

Jens Soering clearly describes seeing the body of Derek Haysom in the living room doorway. As he told us, his comments about the body are a little hazy, but there is no denying that the minutia in his description could not be more accurate. He even said how the body of Derek Haysom was in a curved position on his side, and he saw a small pool of blood around the head of Nancy Haysom.

It is not true that Soering said the dead body of Derek Haysom was in the dining room.

Description of the murder weapon

d) “He identified a double-edged “butterfly” knife as the murder weapon, but medical evidence established that a single-edged “buck”-type knife was used.”

This statement is an absolute lie. At no time, during the whole investigation, did Soering ever identify “a double-edged “butterfly” knife”. He always refused to say that he took a knife with him. On one occasion when he was asked if he took a knife with him. He began his answer by saying “Yea ...” then stopped, thought for a while and said that he didn’t want to answer that question. He did say that while he fought with Derek Haysom he looked up and saw Nancy Haysom coming towards him from the kitchen with a knife. He gave an indication of the size of the knife using two fingers held about 7” or 8” apart. That was the only knife he ever described. When he was interviewed by the German Prosecutor, he again refused to talk about the murder weapon saying he was concerned about premeditation.

It was Elizabeth Haysom who said that on the morning of Saturday, March 30, 1985, she and Soering purchased a butterfly knife, and she drew a sketch of it.

Many years later, after Soering has seen her sketch, he is claiming it was he who described a butterfly knife. You will not find any identification made by Soering of a butterfly knife in his interviews with the police or the German Prosecutor, in any of the officer's notes or in Soering's testimony. He did not identify the type of knife he used except for the knife he described that Nancy Haysom had.

If Soering had identified the murder weapon, we Investigators would have treated it as a significant piece of evidence. It would have been recorded and no doubt it would have formed part of the prosecution case. The reason that the prosecution never told the jury that Soering described the murder weapon is because he did not.

Neither do I recall anyone at the 1990 trial saying that a "a single-edged "buck"-type knife was used." The only reason I can see for Soering to introduce the phrase "buck-type knife" was to fit in with a description of a knife found in a Bedford County police car, and to fit in with what Tony Buchanan said later.

It is definitely not true that *"He identified a double-edged "butterfly" knife as the murder weapon"*, and as far as I'm aware it is not true that *"medical evidence established that a single-edged "buck"-type knife was used."* Appeal court judges pointed out that the medical examiner could not establish what type of knife caused the injuries to the victims. Here we have been told two lies in one statement.

The single-edged steak knife

e) *"He claimed he discarded the knife in a dumpster near the Haysom residence. However, at his trial Elizabeth Haysom testified that the murder weapon was a blood-stained, single-edged steak knife found in the dining room table's drawer. This knife was passed around to the jury as an exhibit."*

To say, *"He claimed he discarded the knife in a dumpster near the Haysom residence"* is almost correct, but not quite. As always, there is a subtle change to the real evidence that his readers would be unaware of. What Soering said was that he threw away **two** knives in the dumpster. He never described the knife he used, and he never said where it came from. He did tell us that he

knew for definite that the “Swiss Army knife” was not used. Ask yourself, how can Soering be so sure that it was not the Swiss Army knife? The answer is - because he knows which knives he did use.

A knife from the dining table drawer was submitted to the lab as Item 23DR. It is the only knife from the house submitted to the Lab, so there is no doubt it is the one that Soering and Ball refer to as the “blood stained knife”. This knife was collected from the dining room table drawer from amongst many other items of cutlery. There were no visible signs of blood on any cutlery, so it was all treated with luminol. This knife was submitted because a reaction to the luminol was noticed. The lab test result for 23DR is, “Item #23DR – No evidence of blood was found on the knife.” Once more Soering has completely fabricated a detail that does not exist.

The second part of this statement, *“Elizabeth Haysom testified that the murder weapon was a blood-stained, single edged steak knife found in the dining room table’s drawer”* is not true. Haysom did not claim to be at the crime scene and never claimed to have direct knowledge of any crime scene details.

Item 23DR may have been passed to the jury, I do not recall. But if it was, it was not put forward as the weapon used against the Haysom’s. This knife was mentioned in the testimony of Crime Scene Investigator Brown when he explained why it had been the only knife submitted to the Lab, and it was clearly stated by the prosecution that no blood was on the knife. None of the prosecution witnesses described the knife from the dining table drawer as being blood stained because there was no blood found on it.

Once again, we are being lied to by Soering. He did not say he threw away “the knife”, he said he threw away two knives. Elizabeth Haysom did not claim to have any first-hand knowledge of the murder weapon, and the knife from the dining table drawer was not “blood-stained”.

Implausibility

f) *“His confession contained a major fundamental implausibility: that one person could kill two people in two different, non-adjacent rooms with a knife. Nancy Haysom was found in the kitchen; no one was found in the dining room; and Derek Haysom was found in the living room.”*

This statement doesn't even list a so-called error, it just gives an opinion. To say that it is implausible that one person could kill two people is only an opinion, it is not a major error that Soering got wrong, and it should not be in this list.

Soering never said that he killed the victims in two different rooms. Soering stated that while he was fighting with Derek Haysom, Nancy Haysom went to the kitchen returning with a knife, and that the last time he saw her (alive) she was going to the kitchen clutching her throat. He said that he later saw her dead body in the kitchen with a pool of blood around her head.

In a TV interview Rosenfield made it public that Soering was 120 lbs in weight at the time of the murders, He described Derek Haysom as being 6' 3" tall and weighing 260 lbs. These statements by Rosenfield can be heard in the Coy Barefoot interview. Of course, these are more lies. The 1985 autopsy report notes that Derek Haysom was 70 years old, 5' 8" tall, weighing 165 lbs. When Soering was arrested in 1986 he was 19 years old, his height was recorded as approximately 5' 8" and his weight as being about 12 stone (14 lbs = 1 stone, 12 stones = 168 lbs.)

I will also point out that the attack described by Soering was a surprise attack. The first blow described by Soering was a severe wound cutting Derek Haysom's throat. Soering said he was shocked by Derek Haysom's blood falling out onto his lap. The body of a person receiving such a wound, and subsequent stab wounds, would go into shock. That is, "shock" in a medical sense rather than a state of mind, as an involuntary bodily reaction to the severe injuries. From the basic first aid training I have had I would say that all the time he was fighting, Derek Haysom would be getting weaker and weaker due to severe blood loss and shock.

How many perpetrators?

g) "The forensic evidence clearly establishes the presence of two perpetrators. See IV.C."

This is just another opinion, presumably inserted to try to add bulk to the list of so-called errors, whilst at the same time trying to legitimise a statement that is only an opinion. It is not an error made by Soering and should not be in this list. We are all entitled to an opinion, mine is that the forensic evidence

does not establish two perpetrators. Nevertheless, an opinion should not appear in this list.

Conclusion

From the list of “seven major errors” in Soering’s confessions “that the real killer would not have made”, he said only **one** thing that was incorrect. He said Nancy Haysom was wearing jeans when she was not. In fact, what he actually said was that he couldn’t remember.

Soering’s confessions are totally consistent with evidence from the crime scene in every other respect. His later version of what happened is not. He refused to answer any questions relating to the murder weapons and he said he couldn’t remember everything. But overall, Soering gave so many minor details that were correct, it is clear he spoke from personal knowledge and not from a rehearsed, made up story.

Soering's description of the victims last meal

Ice cream

Mortal Thoughts by Jens Soering:

" - 80 - + Failing to check Liz's alibi with me was only one of many oversights by Sheriff Wells' and Commonwealth's Attorney Updike's investigators. Some of the mistakes were minor but revealing: when police asked Elizabeth during an informal interview shortly after the murders what her father's favorite food was, she blurted out, "ice cream" -- and then she stammered, until she repeated, "ice cream." 5:2 (rtn 5:2)Liz realized she had made a mistake because ice cream was the late night snack her father had been eating at the dinner table where the murderous knife fight had begun. Crime scene specialists found the half-consumed bowl still sitting on the table at Loose Chippings, and the other half of the bowl's contents in Mr. Haysom's stomach. In spite of the stammer that betrayed her during questioning, however, the detectives did not press Elizabeth further on how she could have known such a telling detail of the scene of crime."

Soering refers to *"an informal interview shortly after the murders."* Not only does he describe the exact words spoken in an interview at which he was not present, he also describes how Haysom "blurted" and "stammered". In this one paragraph Soering tries to establish two points: The first is that the Sheriff and his investigators, and the Commonwealth Attorney did not do their jobs properly; the second is that Elizabeth Haysom inadvertently described a detail of the crime scene that only the killer would know.

He says, *"Failing to check Liz's alibi with me was only one of many oversights"*. What was Soering going to say in April 1985, a few days after the murders were discovered? Was he going to tell the Investigators that Haysom's alibi was not true? No, he was not. Regardless of whether you believe his confessions to murder were true or false, he said repeatedly that he intended to lie to the police. According to his 1986 confessions he was going to lie to protect himself and Elizabeth Haysom from arrest. In his current version he

was going to lie to the police to protect Haysom only. Either way, he was always going to lie. The Investigators did eventually have enough cause to ask Soering about the trip to Washington DC, and he did lie. I do not see any “oversights” by Sheriff Wells and Commonwealth’s Attorney Updike.

Elizabeth Haysom was interviewed by Investigators on April 8, and April 16, 1985. Soering was not present at either interview. Soering says that Haysom was asked what her father’s favourite food was and her answer was ice cream. **If** she was asked this question, and **if** she did answer “ice cream”, how is it giving away a detail of the crime scene? She has simply answered the question she was asked.

Soering says, *“ice cream was the late night snack her father had been eating at the dinner table”*. How does he know that? He could not have read about it. There are no officers’ notes describing a bowl containing ice cream. Crime scene officers do not guess at the origin of a substance, they are not qualified to do so. They leave it to scientists to confirm what a substance consists of. For example, in this case the crime scene specialists submitted many items to the lab that they considered to be blood stains, yet they did not describe them as blood even though they obviously were. They do not say “blood” in their submissions because it may be something else that has the appearance of blood.

Soering goes on to say that *“Crime scene specialists found the half-consumed bowl still sitting on the table at Loose Chippings,”*. How does he know these minor details? Because the seating arrangements at the table were not known, no one except the killer knows for sure what was in the bowl and who had been eating from it. Soering says, *“the other half of the bowl’s contents in Mr. Haysom’s stomach.”* How does Soering know that it was Derek Haysom eating ice cream and not Nancy Haysom or the killer? The scientists do not say that Derek Haysom ate ice cream and neither does the Medical Examiner. The autopsy reports for Derek and Nancy Haysom do not report any traces of ice cream in their stomach contents, so again, how does Soering know this?

Report of autopsy of W. R. Derek Haysom:

“GI Tract: The stomach contains approximately 250cc. of partially digested food consisting of ground meat, pickles, onion and a very small amount of rice. The remainder o the GI tract is not remarkable.”

Report of autopsy of Nancy Haysom:

GI Tract: The stomach contains approximately 250cc. of partially digested material consisting of ground meat, rice, green material resembling pickle, fragments of material resembling onions. The remainder of the GI tract is not remarkable.”

It could be argued that Soering knows these minor details because Haysom told him about them. If we are to believe that we can expect that when we check if Haysom did tell the investigators about her father’s favourite food, we can confirm Soering’s account of this conversation. But Haysom is not the only person who can be asked about this alleged conversation about ice cream, the Investigators could also be asked.

It could also be argued that Mortal thoughts is just a book and therefore it is OK for Soering to embellish his version of events to make his book more interesting. But Soering calls this book a “book of truth” and many of the claims he makes in the book have been put in appeals and legal submissions. For these reasons, only the truth will be good enough, and only the truth will satisfy expectations. Altering the facts for a better read is not acceptable.

During interviews with police on June 8, 1986, Soering told us that Derek Haysom was waving a spoon at him. Six months later, he told the German Prosecutor that *“I believe the whole affair from arrival until the respective attack passed in about 20 to 30 minutes – including eating. I believe the meal was not finished. Mr Haysom has somehow still eaten ice cream.”*

Elizabeth Haysom has not let out a “telling detail” of the crime scene at all, but Soering has.

What has happened here is that because Soering was at the scene, he knows Derek Haysom was eating ice cream, and it is he who has inadvertently let it slip from his subconscious into his writing. It is not Haysom who has made a mistake in answering the question, it is Soering's mistake: in letting us know that it was Derek Haysom eating the ice cream.

Where the fight began

Who was eating ice cream is not the only unintentional slip by Soering. He also tells us exactly where in the house the fight began. He says, *"ice cream was the late-night snack her father had been eating at the dinner table where the murderous knife fight had begun."*

A final, and most important point to mention here, and something that Soering isn't aware of is that in 1985, the two informal interviews of Elizabeth Haysom were tape recorded. Transcripts of those recordings were produced at the time, and they still exist today. The transcript of the first interview of April 8, 1985, consists of 91 pages. The second interview, of April 16, 1985, consists of 22 pages. The Haysom "informal interview" transcripts have been checked. In a total of 113 pages, not once is ice cream ever mentioned. This conversation, so dramatically described by Soering, never ever took place. It's just one more lie by Soering to add to the list.

Soering's unconscious thoughts

I am not a psychologist or psychiatrist. Even so, I have noticed that as Soering has written his more recent version of what happened in 1985, he seems to have inadvertently let things slip out from his subconscious. I believe these inadvertent comments reveal the truth that he would wish to suppress. These comments have “slipped out” without Soering even realising it. Please draw your own conclusions from what I point out rather than accepting mine; alternatively, seek opinions from those who are qualified in this field.

From Wikipedia:

A **Freudian slip**, also called **parapraxis**, is an error in speech, memory, or physical action that occurs due to the interference of an unconscious subdued wish or internal train of thought. The concept is part of classical psychoanalysis. Classical examples involve slips of the tongue, but psychoanalytic theory also embraces misreadings, mishearings, temporary forgettings, and the mislaying and losing of objects.

From www.freudfile.org/psychoanalysis/freudian_slips.html

Freudian Slips and Mistakes
- Definition and Examples -

By J Jones

What are the Freudian slips? Common mistakes such as forgetting names, projects or book titles, lecture errors such as reading instead of the word written in a newspaper another one, pronunciation errors - when instead of saying the word we want to say we say another one - writing errors - **when we write something else than what we had intended**. There are many slips and mistakes - generally called lapses - studied and analyzed by Freud in order to prove they are not hazardous but meaningful acts related to his theory of the functioning of the unconscious mind.

I realise that if one searches the internet more recent, contrasting views on “Freudian slips” might be found. But whether you agree with Freud or not,

Soering obviously does because he refers to him as his favourite psychologist in his book *Mortal Thoughts*:

"I had come to college with the intention of studying psychology as a major. But the University of Virginia's Psyche Department had little room for my favorite, Freud, or personality psychology in general."

Soering's description of the murders

The first of what I believe are inadvertent slip-ups to bring to your attention is in Soering's book *Mortal Thoughts*. In the book Soering has related what he says are interview notes of June 8, dictated by Gardner. Soering has quoted Gardner's notes incorrectly and has also inserted a comment that was not recorded by Gardner and was spoken on a previous day. But my purpose here is not to correct those errors: that will be done elsewhere within this report. The point here is that when writing his book Soering has made subconscious slip-ups that are very revealing.

Please read the following paragraphs written by Soering and note his use of the 1st person and 3rd person grammar. You will notice that as Soering repeats the notes, he switches from the 3rd person grammar to the 1st person and back again. The 1st person grammar has been highlighted for your convenience:

"The interrogation was conducted by Bedford County Detective Ricky Gardner, who dictated these notes onto a tape recorder as soon as the interview was completed: "Told by Beever that Soering wanted to talk with me. Brought to detective's office at 4:45 p.m. Read Miranda warnings to Soering at that time. Said he understood and signed form. Said he would make statement only to me. Said that he did not want me to tape record the statement. I agreed and asked Jens to tell me what really happened. He began to make his statement.

Elizabeth and Jens drove a rental car to Washington D.C. on that Friday night. Discussed killing her parents...They were opposed to her seeing Jens. Thought that she could do better...Elizabeth and Jens did not want to kill them...Subject of killing them came up. He decided to drive to Lynchburg and confront her parents...Drove rental car there on Saturday night...Had knife with him...Had not decided to kill Haysoms, just wanted to talk to them and try to convince them to let Elizabeth continue to see

him. Left Washington in afternoon...Drove to Loose Chippings. Knocked on front door. Answered by Mr. Haysom. He invited Jens inside...Elizabeth stayed in Washington to set alibi in case trouble happened. Jens entered front door. Mr. Haysom served Jens one or two stiff drinks...Mrs. Haysom came down from upstairs...Argued with Mr. Haysom about her painting...Both were drinking heavy...My drink was gin and something...Mrs. Haysom wearing jeans...Big argument between Elizabeth's parents about painting... They invited Jens to have something to eat...Led to dining room table...Sat with back to window looking over the hill through back dining room window...Mr. Haysom was to Jens' left side...Haysoms arguing very loud...They started yelling and arguing with me about Elizabeth...Said they could have me kicked out of U.Va....Said they did not want Elizabeth to see me any more...Argument got more violent...Head was ringing...

-- 138 - + Tried to leave...Got up from my chair and tried to walk behind Mr. Haysom...He pushed me back and I was slammed against dining room wall...Hit my head against the wall...Do not remember how many drinks I had before I tried to leave...I did not drink much...Did not hold my liquor well...After hitting wall, I pulled out my knife and cut Mr. Haysom across his throat...Across his jugular vein...He grabbed his throat and yelled, 'God, you must be crazy, man!' Blood rushed out of his throat...I froze... Just wanted to get out of there...Heard Mrs. Haysom screaming...She was coming at me with a knife...Waving it at me...Got knife away from her...Grabbed her and held her as a shield...Mr. Haysom got up from his chair and came at me...Used Mrs. Haysom as a shield...My glasses were knocked off in this fight...Slashed Mrs. Haysom across throat...She went towards kitchen...Mr. Haysom hit me in the head...Don't remember any more... Left house...look tableware and clothes to the dumpster at the end of the street...Threw pants, jacket and sneakers into dumpster...Hit small dog on way to dumpster...Drove speed limit all the way back to Washington D.C....Met Elizabeth at the movie theater...She was scared shitless...Told her what happened...She said, 'Oh my God!' Jens threw two knives into durnpster...Went back to house to wipe up fingerprints and blood...Swirled footprints in blood on floor...Threw away glasses and silverware in dumpster...Turned off lights when he left house...Drove all the way to D.C. in rental car...Wrapped sheet around him...Jens' hand was cut in fight...Didn't notice cut until he

got to dumpster...washed hand and wrapped it in a towel...Met Elizabeth outside

Rocky Horror Picture Show...Theater in Georgetown near hotel...Movie ended around 2 a m.

- - 139 - + Derek Haysom was waving a spoon at Jens during the fight...Most blood was in the dining room...Mr. Haysom was standing like a bear and waved arms after he was stabbed in the throat...Didn't see either victim fall and hit the ground...Last time he saw Mrs. Haysom, she was walking towards the kitchen and was holding her throat." The interrogation was interrupted at this point for a break which lasted from 6:45 p.m. to 7:19 p.m. When questioning resumed the English Detectives Kenneth Beever and Terence Wright joined Ricky Gardner, so I had to repeat my description of the murders. Consistency and accuracy were crucial to making my "confession" convincing, and I tried my best to repeat my story without changes. Only two new details were added, which Detective Gardner noted in his transcription of his tape recorded notes: "Jens showed me scars on his fingers which he said were from the fight with the Haysoms. [...] When he returned to Loose Chippings the second time, both Mr. and Mrs. Haysom were on the floor and not moving...Mr. Haysom was lying in the dining room with his feet out of the living room door, facing the front of the house..." During the last twenty minutes of the interrogation the policemen asked me a few questions about my motive. Here I tried particularly hard to keep my answers short and simple, since I believed this to be the most unconvincing aspect of my "confession." After all, Liz's mother and father lived in Lynchburg and thus could hardly prevent their daughter dating me while we both lived at U.Va.! But in trying to explain the supposed cause of Elizabeth's and my purported hatred of her parents, I had to be careful not to say anything which might point too strongly in Liz's direction. Detective Gardner recorded in his notes,

- - 140 - + "Elizabeth was raped in Switzerland when she was younger...He did not think that Mrs. Haysom was a lesbian...Elizabeth was neglected by her parents...Mrs. Haysom had affairs and enjoyed creating havoc in public...Mr. Haysom switched off to Mrs. Haysom and Elizabeth referred to him as cold...Photos of Elizabeth in the nude were taken by her mother and shown to visitor...Jens saw these

pictures...Elizabeth showed them to him...Read excerpts of Jens' January, 1985, letters to Elizabeth...Voodoo is possible if people believe in it...Burglaries were a possible excuse for the murders...Dinner scene a coincidence...Jens concluded, 'I fell in love with a girl. We talked about killing her parents. I didn't want to do it, but I drove to their house and killed them. I got caught.' Interview ended at 9:42 p.m." 9:3 (rtn 9:3)"

Soering begins by relaying the notes by Gardner in the 1st person, as though Gardner is speaking and as dictated by Gardner. He does the same thing at the end of his account, but he does not do so throughout the three paragraphs. It seems that he's got so wrapped up in remembering what happened during the murders that he's forgotten that he is supposed to be writing the interview notes as dictated by Gardner, and instead he describes his own recollections of what happened as he killed the Haysoms and uses the terms "me" and "I". Several other slip-ups of this nature appear throughout his book.

More slip-ups in Mortal Thoughts

Results from Soering and Haysom meeting each other

Chapter 1

Paragraph 1 – "Everything, everything flowed from those first few hours Liz and I spent together: our grand, obsessive passion, the murders of her parents, the escape from Virginia to Yugoslavia and onto Thailand, our arrest upon returning to England, the extraditions and trials, and the inevitable appearances on "Inside Edition", "Hard Copy" and "Geraldo Rivera""

In his very first paragraph of Mortal Thoughts Soering has let out another "Freudian slip". He lists the things that he considers have stemmed from his meeting with Elizabeth Haysom. He includes the murder of her parents. The obsessive passion that he mentions, and the escape from Virginia, their arrests and so on could all be said to flow from them meeting each other whether or not he killed the Haysoms. But the murder of the Haysoms would not flow from his meeting with Elizabeth Haysom if she had committed the murders without his knowledge. The relationship between Haysom and Soering would not be a cause of their deaths. Without realising what he is saying, Soering has

declared that the murder of the Haysoms is directly connected to the relationship between him and Elizabeth Haysom.

One double-murderer and one accomplice

Paragraph 3 – “It is possible, I suppose, that the professors did mention that there might be one future double-murderer and one future accomplice to double-murder with us in Webb lounge, and that we should consequently be circumspect in our choice of friends. But if such a warning was given, I missed it.”

Soering has let slip again in paragraph 3. It’s obvious that he is referring to himself and Haysom in that paragraph. He’s telling us that in that room at UVA there was a future double-murderer and a future accomplice to double-murder. I’ve no doubt that when he wrote his book in 1995, he was referring to Haysom as the double-murderer, but his subconscious thoughts appear again, and he tells us that two of the people in that room would later be guilty. One murderer and one accomplice.

Soering also made some comments about the murders when he was interviewed that I believe reveal what actually happened. Unintended comments without realising the implications of what he was saying. Bearing in mind that Soering now says that his confessions of 1986 were false confessions we should look closely at what he said. Some of the comments he made simply don’t fit with false confessions.

Stiff drinks

When Soering made his many confessions over the five days he was detained, he told us that he went to Loose Chippings, and he gave us a description of what happened there. He was asked how many drinks he had at Loose Chippings, and at one stage he was asked a general question about the drinking habits of the Haysoms. On June 5, 1985, Soering said the following:

June 5, 1986

Gardner: “How many drinks did you have ... approximately, I realise it’s been fourteen months ago?”

Soering: "Right."

Gardner: "While you were there."

Soering: "I guess ... ah ... we were drinking ... they were ... as I said, they were drinking when I came and I was immediately offered a drink and drank continuously while I was there ah ... I don't remember ... I don't I'd have to think about that the number, but it ... it did stick very strongly in my mind that they mixed very stiff drinks ah ..."

On more than one occasion Soering has mentioned that the Haysoms mixed "stiff drinks". Soering has made it very clear that before the murders he only ever met the Haysoms on one or maybe two occasions. The one or two occasions were lunch dates in restaurants. He said that he also met Nancy Haysom briefly right at the beginning of his time at UVA, which was before he and Elizabeth Haysom were boyfriend and girlfriend. You must ask yourself, when could Soering have tasted a drink mixed by the Haysoms? How would he know that they mixed a "stiff drink"? It certainly couldn't have been at a restaurant or at UVA. The only time that Soering could have tasted a stiff drink mixed by the Haysoms was when he was at Loose Chippings on the day that he murdered them.

The following day, on June 6, 1985, Soering was reminded that he had previously said that in 1984 Elizabeth Haysom was under the influence of drugs when she wrote some of her letters to him. This time Soering wasn't talking specifically about the murders. Instead, he gave an answer that described his general opinion about the drinking habits of the Haysoms. He said the following:

June 6, 1986

Soering: "Or alcohol. I'm not sure which. But I do know as a fact that when we talked about that letter later on when we saw one another again she ... first of all she told me about having to enter hospital from drinking too much. All right? And that was in fact ... she told me while she was writing that letter and I do not remember whether it was drugs or alcohol, but she was ... she told me that she was under the influence of something or another. I doubt that that is very unusual in her family. My experience with them as I've said before is that, I mean, for me it's hard to picture them without a glass in their hand and having tasted some of their drinks, it was a stiff one, so I'm not even necessarily sure that it

would be ... it would arouse suspicion on her parents' part that she is drinking too much or something."

On this occasion Soering was being quite specific, telling us what drinks mixed by the Haysoms were like. I believe he was actually thinking about what happened at Loose Chippings when he gave this response. He slipped up again. He really has tasted stiff drinks mixed by the Haysoms, and that could only have happened on one occasion, on March 30, 1985, at Loose Chippings.

Hotel video tapes and no pants

Now imagine for a moment that you are admitting to a double homicide that you did not commit. And you want to convince your interviewers that you are guilty. You give an account of what happened and try to include some details that they can check, for example, against the evidence at the crime scene. Now consider something that Soering said:

June 5, 1986

Beever: "That would mean that you arrived back at D.C. with no trousers on, wouldn't it?"

Soering: "Um ... Yea, there should be a video tape of the elevator in the Marriott that evening, which does show me without my trousers on because that's in fact ... what happened."

If you are making a false confession, and you want your interviewers to believe you, why would you draw their attention to something that would prove that your confessions are false? That's exactly what Soering did. If his confession was false, then any video tapes would show that he remained in Washington DC. Something that he wouldn't want us to know.

Beever asked his question because earlier Soering had described having disposed of his blood-stained clothing and it sounded a little far-fetched that he would drive back to Washington with no pants on. Soering referred us to the video tapes because he wanted to prove that he was telling the truth and the tapes would confirm he did arrive back at the hotel with no trousers on.

Video tapes never were recovered from the Marriott Hotel but Soering didn't know that. The fact is that he believed we had video tapes and that we could view them to verify that his confessions were the truth.

Ice cream again

As pointed out elsewhere in this report, in his book Soering said that during an interview in 1985, soon after the murders, Haysom had made a statement to the investigators that she could only know if she had been at the murder scene. He says that Haysom said that her father's favourite food was ice cream. Soering says that this answer incriminates Haysom because Derek Haysom was eating ice cream just before he was killed. He also said that ice cream was found in the stomach contents of Derek Haysom. He asserts that Haysom had let out a "telling detail" of the crime scene. The problem with his story is that the conversation that Soering describes never happened. Haysom was never asked what her father's favourite food was and she never said, "ice cream". Those interviews with the investigators in 1985 were tape recorded and have been checked recently. The conversation about ice cream is not in the interviews. In accusing Haysom of letting out a "telling detail", Soering himself has given us information that only the killer would know. There is nothing throughout the forensic evidence that indicates that ice cream was found, and contrary to what Soering says there is nothing in the autopsy reports saying that there was ice cream in the stomach contents of either victim. The only person who mentioned that Derek Haysom ate ice cream is Soering: he said so in his confessions. What makes this point even more compelling is that the officers processing the crime scene did see what they thought was the remnants of ice cream in a bowl on the dining table. Gardner even asked Soering about it. But because the officers were not scientists, they could not know for sure that it was ice cream, and so they didn't record what they thought the remnants might be. They just submitted the bowl to the crime lab. At the lab the bowl was subjected to fingerprint treatments but the residue in the bowl was not tested.

According to Soering, Haysom had disclosed a detail that showed she was at the crime scene. But it's Soering himself who has provided a "telling detail", telling us what Derek Haysom ate on the night he died. How does Soering know that Derek Haysom ate some ice cream? How does he know it wasn't

Nancy Haysom eating ice cream? What has happened is that because Soering was at the dining table that night with the Haysoms, he knows what Derek Haysom ate, and it's Soering who has inadvertently let it slip from his subconscious into his writing.

Mortal Thoughts by Jens Soering:

"ice cream was the late-night snack her father had been eating at the dinner table where the murderous knife fight had begun."

He has also inadvertently told us where the fight began.

The seating arrangements again

Soering also claims that he got the seating arrangements at the dining room table incorrect. It's meant to be a mistake that the real killer would not have made. He points out that in his confessions that he said he sat to Derek Haysom's right. He then says that in the crime scene photos the second place-setting is to the left of where Derek Haysom's was seated. He doesn't say that he told us interviewers that he threw away his plate, glass and cutlery, which is why there was no place-setting where he said he was seated, and the "second place-setting" is where he said Nancy Haysom was seated. The real point here isn't about him disposing of items from the crime scene, it's that he has made another slip-up by telling us exactly where Derek Haysom was seated. It fits perfectly with the evidence at the crime scene.

Soering remembering the murders

"And then, somehow, I have my brilliant idea. I did it! Whenever the police arrest us -- and that's got to be soon -- I'll just tell them that I did it!"

Another subconscious mistake here too. If Haysom returned to him on March 31, 1985, and he knew nothing about the murders, why would he think the police would arrest both of them?

“Even though it was Elizabeth who, but for my promise, faced the electric chair, I suffered much more than she from the stress and fear. In fact I can recollect very little of the weeks immediately after the killings, as if my memory were still clouded by the same haze of terror and tiredness that numbed my mind then. Some disjointed, almost surreal episodes are all that remain.”

Without even realising it, Soering is directly telling us what his state of mind was at the time of the murders.

Here, as Soering is writing, he is thinking about the fear and terror he experienced at the murder scene. He then says, *“Some disjointed, almost surreal episodes are all that remain”*. He said as much in his confessions to us and to the German Prosecutor. Memories clouded by a haze of terror, disjointed and almost surreal episodes are quite understandable if Soering murdered the Haysoms. But if he stayed in Washington, not so understandable.

“None of it made any sense! What was I doing here, an accomplice to murder attending the victims' funeral reception? And where were the police, why had we not been arrested yet? It made no sense, no sense at all.”

Again, at that stage, why would Soering think that they would both be arrested? If he did not commit the murders the police could not link him to the crime scene, so he shouldn't be worried about being arrested.

Who was the cause of the pain and grief?

“My greatest crisis, and the one I can recollect most clearly, was witnessing the two sets of siblings from Derek and Nancy Haysom's previous marriages meet in a hotel room. Their grief and their love for their parents was so deeply felt that I nearly broke down. So much pain, so many tears, and I was the cause! If only I had somehow protected Elizabeth from her monstrous parents, then she would not have felt driven to kill. If only I had not agreed to arrange that ludicrous attempt at an alibi, then she would not have thought she could get away with the

murders. If only I had earned Liz's full trust, then she should have come Haysom and Soering produced copies of the exact same movie tickets and room service bills. This is not surprising because they were colluding together to make it appear that they were both in DC on Saturday, March 30, 1985. These movie tickets and room service receipts do not prove which of them remained in Washington DC. to me and we could have found some other way. But I had failed, failed her and myself, and failed the Haysoms' other five offspring who now cried forlornly as they hugged each other in the hotel room. Only my fear for Elizabeth's life kept my emotions in check."

"I left the room as soon as I could and went to the hotel bar, where I once again contemplated suicide. The police would then have a convenient and penitent murderer, Liz would be safe, and I would have kept my promise to her, though by a different method than the sacrifice we had planned together. Above all my agony would be over, and my failures would be atoned for. But I could not kill myself. Even if I left a suicide note claiming responsibility for the murders no one would believe that I killed the Haysoms! I was too much of a "wimp," as Elizabeth called me at her sentencing hearing in 1987. To save her life I would have to "confess" live and in person; killing myself now would only throw more suspicion on Liz."

Why would Soering be considering suicide if he didn't kill the Haysoms? What was the cause of his agony and why would his agony be over if he committed suicide?

Conscience

"So convincing was my performance that one of the girls whom I had dated in the fall, 1984, semester, complimented me on my devotion and, on the verge of tears, asked me to call on her if I should ever grow tired of Liz. As I looked into this girl's eyes I felt physically ill for a moment. What would she think of me if she knew? But the hollow cramp in my stomach quickly passed, and such revolts of my conscience grew fewer. I was becoming a practised liar, completely enveloped in the folie a deux."

If she knew what? If this girl knew that Soering brutally murdered the Haysoms she would probably be disgusted. But if she knew that he was prepared to admit murders he didn't commit to save his girlfriend she would probably think he is a nice guy. The main questions are, why would Soering feel "physically ill" if he didn't murder the Haysoms? And why would he have a conscience?

Suicidal feelings

"During the funerals in Lynchburg I had nearly killed myself out of guilt and terror, but all I felt that day in Knightsbridge was relief at not being arrested and satisfaction at having gotten a 50 pound coat without even having to pass a bogus check."

He "nearly killed" himself? Out of "guilt and terror"? Strong emotions if he didn't kill the Haysoms, but to be expected if he did.

"During the four days of interrogations the investigators required me to think about the homicides, and during the long nights I stared at the ceiling while I counted the blue tiles on the walls and remembered, remembered."

What was it that Soering "*remembered, remembered*"? This slip by Soering is particularly interesting. Again, he has forgotten for a moment that he says he didn't commit the murders. He wouldn't have very much to remember if all he did was agree to make a false confession.

Conclusion

It can't be said that the comments I've picked out from Soering's interviews in 1985 and from his book years later, are absolute proof that Soering killed the Haysoms. But Soering has made his comments while focussed on other matters and subconsciously his real thoughts have crept out without him realising it. There are many, many, more examples of this nature in his book *Mortal Thoughts*.

Soering's injuries

At the 1990 trial of Soering, Donald Harrington testified that he had attended a memorial service for the Haysoms and that Soering was also there. Harrington said he saw that Soering had a deep bruise on his face and some bandaged fingers.

On oath Harrington testified that:

Harrington: "Mr. Bill Massie and I were in conversation, and I noticed Mr. Soering standing at floor level at the stairway. Miss Haysom was on the first step and a young woman of oriental descent was on the second or third step. And Mr. Soering was in conversation with these two, and in so doing had to raise his head to see them at that level while engaged in conversation. I noticed a deep bruise on the left cheek of Mr. Soering, and it occurred to me that he had received a good right cross."

Neaton: "I'm going to object to that conclusion."

The Court: "Sustained, conclusion, strike it."

Updike: "On his left cheek, did you notice anything else at that time?"

Harrington: "Yes, I noticed he had a couple of bandaged fingers."

Updike: "A couple of bandaged fingers?"

Harrington: "Yes, on his left hand."

Updike: "And there were bandages, then, on his fingers at that time?"

Harrington: "Yes."

Harrington was then cross-examined by Neaton regarding when he had seen Soering with these injuries:

Neaton: "When did you bring this to the attention of the police?"

Harrington: "I reported it to my wife Pat Harrington on the drive from the Massie home to my home."

Neaton: "I'm sorry to cut you off, I asked when you reported it to the police?"

Harrington: *"Approximately a week, 10 days later."*

Neaton: *"Do you remember the name of the police to whom you spoke?"*

Harrington: *"Mr. Updike and Mr. Gardner."*

Neaton: *"So that would have been in the middle of April?"*

Harrington: *"I assume that period, yes."*

Neaton: *"In 1985?"*

Harrington: *"I assume that year, yes."*

Neaton: *"You don't know what year you reported it to the authorities?"*

Harrington: *"It was within a week to 10 days – I did not report it, they contacted me. I did not report it to the police, they contacted me."*

Neaton: *"Okay, did they contact you after Mr. Soering had been indicted in this case?"*

Harrington: *"I don't know when Mr. Soering was indicted, but it was within 10 days to two weeks of the murders."*

Neaton: *"Thank you that's all."*

Harrington was re-examined by Updike as follows:

Updike: *"Did you tell anyone this after seeing it?"*

Harrington: *"I told my wife in driving from the Massie home to my home."*

Updike: *"And then later the police contacted you?"*

Harrington: *"The police contacted me at a later date, yes."*

Updike: *"Thank you, no further questions."*

When we interviewed Soering in 1986 he said told us that he was cut whilst fighting with the Haysoms and showed us scars on his fingers of his left hand. When he was interviewed by the German Prosecutor Soering said the following:

“Sometime I must have been injured by the knife. Somehow I got two holes, not exactly cuts, in the fingers of my left hand.”

“I had the impression that a small lump of flesh was cut out. That must have happened at the time that I tried to take the knife away.”

About nine years later Soering released a draft copy of his book *Mortal Thoughts*. In this copy Soering refers to Donald Harrington. For some reason Soering has changed everyone’s name and refers to Donald Harrington as “Fishton” and Annie Massie as “Waitie”. Even so, the circumstances he describes make it obvious who he is talking about. Harrington was clear about the fact that he had told his wife about Soering’s injuries on the way home from the memorial service. That information somehow got back to Gardner or Updike and they contacted Harrington. No matter which year Soering was indicted, Harrington knew that he had given his information to Gardner and Updike no more than two weeks after the murders. I know for certain that when Gardner came to London in 1986, and before we began to interview Soering, Gardner told me that a witness had seen Soering with bandages on his left hand.

In *Mortal Thoughts* Soering says the following:

“Mortal Thoughts” by Jens Soering:

Next the prosecution called a witness named Fishton who testified that he had seen bandages on my fingers and a large bruise under my eye while I stood next to Liz's roommate, Karen Wong, at the Haysoms' funeral service in Mrs. Waitie's house five years earlier. No one else could corroborate this man's testimony: not college students with whom I had attended classes after the murders, not the many other acquaintances of the Haysoms who had attended the funeral service, not even members of the Haysom family. Prosecutor Updike even stipulated that Karen Wong could not remember whether I had any injuries at the service. Strangely enough, Mr. Fishton only went to the police with his tale of seeing wounds on me after I mentioned the scars on my fingers during my London "confession", more than a year after the funerals. My attorneys were unable to discover whether this witness Fishton was related to Colonel Fishton of U.S. Army Intelligence, the friend of Derek and Nancy Haysom who captured Elizabeth in Berlin after she ran away from England.

“Strangely enough”, what Soering says is not true. Harrington had told Updike and Gardner about the injuries in April 1985, soon after the murders occurred. Corroboration then came in 1986 when Soering was interviewed and he told us about the injuries. This was further corroborated by the scars on his fingers and further corroborated by Haysom in her interviews.

Telling us he had been injured on his left hand would not fit in with a “false confession pact” between Haysom and Soering. They didn’t know that Harrington had told investigators he saw Soering with injuries and they wouldn’t know they needed to include an injured left hand in any false confessions. If Haysom had committed the murders with someone other than Soering and that person bled in the crime scene, it’s very unlikely she would know the other person’s blood type (or Soering’s for that matter), and she definitely wouldn’t know what Harrington had said. She wouldn’t know that they needed to explain away why type O blood was found in the crime scene. It could be argued that Soering wore bandages at the memorial service over an uninjured hand as part of an elaborate plot to later make a false confession. But that makes no sense at all. He says that he had decided to confess only as a last resort and wearing bandages at the funeral could attract attention.

When we interviewed Soering in 1986 he didn’t know he had type O blood. He was asked for a blood sample which he refused to supply in the UK and then tried to work out his blood type by asking us officers what blood types his parents were. Although Gardner knew that type O blood had been found in the crime scene, he had to wait until 1990 to find out that Soering has type O blood.

Why then does Soering lie about the timing of when Harrington spoke to the police about seeing Soering with a bruise on his face and bandages on his left hand? And Soering is lying, because he heard Harrington during testimony say he spoke to Updike and Gardner within two weeks of the murders. Neaton then asked Harrington, *“Okay, did they contact you after Mr. Soering had been indicted in this case?”*, and Harrington made it clear that, *“it was within 10 days to two weeks of the murders.”* After hearing that testimony Soering continues to this day saying that Harrington was contacted by the police after the 1986 interviews. The answer as to why he perpetuates this lie is revealed when Soering says, *“My attorneys were unable to discover whether this witness Fishton was related to Colonel Fishton of U.S. Army Intelligence, the friend of*

Derek and Nancy Haysom who captured Elizabeth in Berlin after she ran away from England."

Soering is inferring two things – One is that after he showed us the scars on the fingers of his left hand, Gardner returned to Virginia and found someone willing to give false testimony saying they saw Soering with a bruise and bandages. The other is that Donald Harrington (Soering's "Fishton") is a relative of the friend of the Haysom family, US Army Colonel Herrington (Soering's "Colonel Fishton"). The first inference cannot be true and is absurd. And the second - Soering tells us himself that no evidence could be found that links Donald Harrington to Colonel Herrington, note that the names are not the same. Even if there was a link, there is no reason to think that Donald Harrington lied on oath about seeing Soering with a bruise and bandages on his left hand. Facts that are totally consistent with the injuries that Soering himself would describe over a year later. Also consider that when Harrington gave his information to Updike and Gardner in mid-April 1985 no one knew that Soering was a suspect.

Conclusion

There is no doubt that Soering is lying when he says that over a year had passed by before Harrington spoke to the police. Through supporters like Gail Ball, Soering told this lie to Governor McDonnell in previous proceedings, demonstrating his willingness to give false information to further his own interests. There are also many other lies in the information he has supplied in these current proceedings.

Very little remains to be said about this part of Soering web of deceit. Except that his supporters have chosen to, and continue to, repeat his lies for him. It's inconceivable that they haven't read Harrington's testimony, and they still repeat what Soering says despite clear evidence to the contrary. Gail Ball repeated Soering's lie to Governor McDonnell in her letter dated March 7, 2011. She got the witness's name wrong calling him "Herrington", but there's no doubt she meant "Harrington". In her letter she told the Governor that "Herrington" didn't report his sighting of Soering with a bruise and a bandage until after Soering was arrested, more than a year after the funeral. Ball goes so far as to suggest that "Herrington" was prompted to come forward by Gardner, as if something dishonest took place. There is dishonesty connected

to the witness Harrington, but that dishonesty can be fairly and squarely attributed to Soering.

Watson's letter to the Parole Board

On the whole, Watson's 2012 letter, written to the Parole Board in support of Soering, contains fewer mistakes than those of Harding and Hudson. But there are still some mistakes, together with some opinions that Watson has given, that need to be corrected because they are based on false information. He says that his opinions are "hunches", therefore they should be disregarded because they are seriously flawed.

Watson states his end conclusions right at the beginning of his letter saying, "*..... the evidence used to convict Mr. Soering lacks the support to convict him beyond a reasonable doubt.*" I don't doubt that Watson has spent many years as a law enforcement officer, and he will have experience in police related matters, as do I. I do doubt that he knows better about the law and the courts than an experienced circuit court judge like Sweeney, the experienced appeal court judges who adjudicated Soering's many appeals, and let's not forget the jury. His conclusions are only his opinions, and when it comes to a conviction beyond reasonable doubt, it's not even a qualified opinion. Watson has been told some lies by Soering and appears to have believed them, and as Watson has worked through the evidence these lies have influenced his assessment of the case.

Soering told Watson that we investigating officers denied Soering access to legal advice. This falsity had a major impact on Watson who said he was "especially troubled" by it. It must have been Soering that told Watson this lie because if he had asked Gardner or Updike, or Beever or me, he would know that Soering was never denied access to a lawyer. Soering made this same false accusation during his trial and later in appeals. After studying the documentary evidence available, very experienced judges dismissed Soering's false claim. If Watson, after reading my comments, still chooses to disregard my guarantee, and the documentary evidence that Soering wasn't denied a lawyer, he will be taking the word of a person convicted of dishonesty offences and a person who is a self-confessed liar. He will be choosing to believe Soering rather than me, Gardner, Beever or Updike, and ignoring the rulings of learned judges.

When Watson made his enquiries and wrote his letter, I was working full time in the USA at Quantico and in Charlottesville. Watson asked Gardner for my contact details which were passed on. He never did contact me. Had he done

so I could have told him the truth about Soering's detention in the UK. That truth is not what Soering says.

If Watson was especially troubled by the apparent denial of access to legal advice, then it seems logical that when he spoke to Gardner, he would have asked him about it. If he did, then Gardner would have told him the truth. That truth is that Soering thought that he didn't need any legal advice until he was back in the USA. Watson has reached his conclusions based on a belief that "especially troubled" him that is entirely false.

I can assure the Governor that despite what Soering says, and Watson, Harding and Hudson believe, Soering was not prevented from seeing a lawyer. I can also assure the Governor that every interview after the first two were at Soering's own request.

Soering was treated according to US and UK law at all times. He was treated with proper respect and courtesy and was never threatened or coerced either directly or indirectly.

Having cleared up the misconception that Soering was denied access to legal advice that especially troubled Watson, I'll now look at what Watson says about other matters. He starts by talking about the confessions made by Soering. Watson says that the confessions of June 1986 differ considerably from those he made to the German prosecutor in December 1986. I disagree, they do not differ considerably.

In June 1986, Gardner, Beever and I were asking Soering the questions. In December 1986 a different person was asking him questions. The German prosecutor asked some questions similar to ours, and some of his own. Of course, there were some new answers to some new questions. Even so, the account that Soering gave in December remained consistent with his earlier version of events. If anything, Soering told the same story but with more detail in parts. I'm in total disagreement with Watson's assessment that the confessions differ considerably. But this is not about my opinion or Watson's, the interview evidence is there for all to listen to and read. Anyone can read the interview transcripts and see for themselves that Soering's confessions do not differ considerably. You must also remember that the interviews of June 1986 were heard in full by the jury, and they also heard the interview with the German prosecutor read in full in English by a witness.

Watson also thinks that the confessions made by Soering differ from the crime scene evidence. Again, I disagree entirely. I've studied the crime scene evidence in some depth, together with the forensic evidence, and I find that Soering's account of what happened fits perfectly well with the crime scene evidence. After looking at the crime scene evidence in great detail I found nothing that contradicts what Soering said, except that he couldn't remember what Nancy Haysom was wearing.

Soering told us that the Haysoms were drinking when he arrived at their home. The autopsies revealed high levels of alcohol in the victims. He described the dining table settings exactly as they were found by police, even telling us who sat where. He told us that he removed his shoes and sock impressions were found in the crime scene. Soering also told us that he cut the throats of his victims and their throats were cut as he said. He said that Derek Haysom was hitting him about his head and that he cut his fingers on his left hand during the struggle and showed us the scars. A witness reported seeing him with bruises on his face and bandages on his left hand. Soering said that he tried to clean himself up in the kitchen and bathroom. These are the locations where type O blood was found and Soering has type O blood. He also drew sketches of where the dead bodies lay, describing a pool of blood around Nancy Haysom's head, and how Derek Haysom was laying on his side with his legs towards the doorway, exactly how they were found. Do not believe the lie that Soering tells, saying he indicated the wrong locations for the bodies. The distribution of the various blood types in the crime scene are also consistent with what Soering said in his confessions.

Watson says next that the murders were *"almost certainly committed by two perpetrators"*. In a sense that is right, one person stayed in Washington DC to create an alibi while the other went to the Haysoms home and killed them. But Watson means that there were two perpetrators at the crime scene. He doesn't say how he came to this conclusion but what I find interesting is that Watson doesn't say "more than one perpetrator". He is very specific and states that he thinks there were two, not three, four or more, and he doesn't even say "more than one". He says two exactly. At the time that Watson reached his conclusion in 2012, Soering was also espousing that there were two perpetrators at the crime scene. Without any evidence of the total number of people who were in the crime scene, Watson came to the exact same

conclusion as Soering. This seems to be a good indication that Watson has been fooled by Soering. But since Soering first said that there were exactly two perpetrators he has now changed his claim. He has changed his mind about the number of assailants he says were in the crime scene, trying to make the number fit with his new lies about DNA evidence. I wonder if Watson will still agree with him?

During his 1990 trial Soering accused Haysom of being at the crime scene. His problem was that he thought no one would believe that Haysom would be capable of overpowering her parents on her own, so he had to say she must have had an accomplice. No evidence was ever found that indicates the presence of another perpetrator at the scene. The more recent DNA test results don't support that theory either, despite what Soering says. The Bedford County Sheriff's Office APB that Watson refers to is evidence of nothing other than that in the first hours of the investigation they had no idea what had happened.

Watson then tells us that false confessions are common. Perhaps they're common in the circles that Watson is familiar with, but in reality, they are a rarity. I've no doubt that false confessions do occur, but they are not a common phenomenon. Even if false confessions are common (which I do not accept), the confessions in this case contain many specific details of the crime scene and a jury is entitled to draw an inference that the confessions are true from the evidence put before them.

In his letter, Watson then talks about sock print evidence. Where Watson differs from Harding and Hudson is that he recognises that Hallett was in fact a qualified forensic expert. He had worked with Hallett on several cases and Watson says that Hallett's work was usually of a good standard.

Having said that Hallett was usually of help to his cases, Watson then states that the overlay produced by Hallett in the trial of Soering was "essentially meaningless". Issues around the probative or prejudicial value of Hallett's overlay were the prerogative of Judge Sweeney. Sweeney allowed the jury to view the overlay and the image underneath it, allowing them to see for themselves and decide for themselves. Watson concludes that anyone with approximately the same size foot could have left the sock impressions. By making this statement Watson is including Soering as a potential source of the sock print, he is not ruled out.

Watson goes on to say that the jury were shown only one footprint of Soering and of Haysom. I think this is meant to be a criticism of the prosecutor. In fact, criticism should go towards Soering and his defense. Everything that the Commonwealth's Attorney had was supplied to the defense. If Soering thought that other footprints, shoeprints or sock impressions should have been shown to the jury, he had every opportunity to do just that.

Watson ends his comments about the sock impressions by saying that the sock evidence was "one sided", "biased", "unscientific and prejudicial", and that today (in 2012 when he wrote it) the overlay would not be allowed. As for one sided, and biased, the prosecution obviously presented the best evidence that they thought would secure a conviction. Isn't that what a prosecutor does? Even so, under the Discovery rules, Updike gave everything they had to the Soering defense. That was how they knew there were other foot impressions from Haysom and Soering.

The defense had every opportunity to challenge the footprint evidence. The comment that the overlay was prejudicial is once more a matter for the trial judge to decide. Sweeney had an obligation to balance the probative value of evidence against the prejudicial value and he was a far better judge of what evidence could be adduced than Watson is. As for "unscientific", that was the whole point. Updike didn't want to put Hallett forward as an expert on sock impressions and Sweeney would not have allowed him to. The overlay was not meant to be scientific. It was simply something that the jury could look at and draw their own conclusions from it. Appeal court judges have looked closely at this case over the years have not overruled Sweeney. Watson's final comment, that the overlay would not be allowed today (in 2012) is simply Watson's opinion about a point of law that he is not qualified in. I don't see any reason why the overlay would be rejected by any trial judge in 1990, when Watson wrote his letter in 2012, or today.

Watson then turns his attention to traces of O type blood found on some Items. He says that the jury were led to believe that the traces of O blood could only have been left by Soering and he says this is speculation and insinuation that would not be possible at the time when he wrote his letter (in 2012). He suggests it wouldn't be possible in 2012 because of advancements in forensic DNA techniques.

Updike definitely did tell the jury that type O blood traces were found, and he also told them that Soering has type O blood. The prosecution made the jury aware that Soering said he had cut himself and had cleaned himself up in the kitchen and bathroom. None of this was speculation or insinuation. What Updike did in the courtroom in 1990 is what happens in courtrooms all over the USA and UK, he told the jury what evidence he had. Prosecutors were still doing so in 2012 when Watson wrote his letter and it still happens as I write this report in 2019. In the unlikely event that this case went before a jury again today, they would still be told that Soering had type O blood, that he said he cut himself, and that type O blood was found in the locations that Soering said he went to. This evidence would still be presented today regardless of advancements in DNA testing.

Watson says that finding type O blood in the crime scene does not incriminate or exculpate Soering because it's a common blood type. I disagree, it does incriminate Soering when all of the evidence is examined. In the US, type O blood is the commonest of the four ABO blood types. We know there are thousands of people with type O blood. Watson might argue that the O type blood could originate from any one of the thousands, but how many of those thousands live in the vicinity of the crime? Of those that do, how many of them knew the Haysoms? Of those with type O blood who knew the Haysoms, how many of them admitted that they murdered them? Who told the police he had been cut on his left hand during the struggle with the Haysoms and was later seen at the Haysoms memorial service with bandages on his left hand? The fact that Soering has type O blood does incriminate him slightly, but when all of the evidence is considered, the level of incrimination increases substantially.

Watson points out that the prosecution emphasized that the outside light at Loose Chippings was on when police arrived there. He says that this is an irrelevant point. In Watson's letter the word "emphasized" is in bold print. I presume that Watson thinks that this was a major point that led the jury to a decision that Soering is guilty. Perhaps the jury did attach some significance to this point, as no doubt that was the prosecution's intention. But this point was just one small part of a wealth of evidence. It's unlikely that this one small detail alone convinced the jury of Soering's guilt.

The facts are that when police arrived at Loose Chippings the outside light was on. It's also a fact that the switch for that light is not where one would

normally expect it to be, and that because Elizabeth Haysom lived at Loose Chippings she would know where the switch is located.

In 1986 when Soering described how he murdered the Haysoms he said that he realised he had left the house lights on and the front door open, so he went back to turn them off. Soering's supporters often say that one of the so-called errors that Soering made in his confessions is that he said that he turned off the lights and yet this outside light was still on. The following two comments were the actual comments made by Soering in 1986:

"I don't know whether it is understandable, on the way to the rubbish container, I had tremendous fear and shock that I had injured the dog with the car. That is perhaps odd, but anyway I arrived and noticed that I was bleeding profusely. As said, there were no cuts, but a small lump cut out, and that is why I was bleeding so much, and I thought it was absolutely essential to drive back to find something to bandage the hand.

Furthermore, all the lights were on in the house and I was afraid that somebody would notice it during the next day and then go there to examine why there was light, and also the door was open and all such things. Anyway, I thought it over that I had to return. ..."

"I thought on the glass and plates were fingerprints and I also switched the light off in the house and closed the door behind me."

Years later in his book, *Mortal Thoughts*, Soering says the following:

"The lights on the outside of the house had been left turned on, though I told police that I "turned off [the] lights when [I] left [the] house." At my trial Commonwealth's Attorney James Updike cited the blazing outside house lights as evidence of my guilt; the switch was inconveniently located in the master bedroom, where a non-family member like me was unlikely to find it. But I had visited Loose Chippings twice in the spring of 1985, so I was well aware of the electrical eccentricities of the house."

You should notice that in 1986 Soering said that he turned off the lights "in the house", closed the door behind him and left. In *Mortal Thoughts* he doesn't mention that he specifically said "inside the house" in both statements, and he

gives the impression that because the outside light was on, he made a mistake in his confessions. In reality, Soering reinforces the point made by the prosecution; he turned off the lights as he left, but the porch light didn't extinguish because the switch is nowhere near the door.

Almost ten years later in his book, Soering says he was familiar with the electrical eccentricities of the house. That could be so, because he had been to the house on two previous occasions. However, it's unlikely that he would know where the switch for the outside light was. More importantly, even if he was familiar with the electrical eccentricities of the house, he wasn't familiar with drinking the amount of alcohol he told us he had consumed that day. In an intoxicated condition, and after the traumatic experience of killing the Haysoms, most people would want to leave the house as soon as possible. Even if he knew where the light switch is located it would not be surprising to switch off the lights as he left and forget about, or not even notice, the outside light.

Overall, Watson says that the outside lights being on is an irrelevant point. He says, in bold print, that the prosecution emphasized the fact that the outside light was left on. I accept that it is a minor point, but it is relevant to an extent. I could point out that Haysom would definitely know where that light switch is located and claim that this would be definitive proof that she was not at the crime scene because she would have known where to turn the light off. But I make no such claim because I realise that under the same circumstances, she too could also simply forget to turn the light off. The end result is that the outside light being on is a relevant fact, but just one of many points that the jury were quite rightly entitled to consider when coming to their decision.

Watson goes on to say that this was a crime of passion. Perhaps it was, but if it was, that doesn't exclude Soering. In fact, if it was a crime of passion then all the more reason to suspect Soering who believed he loved Elizabeth Haysom so much that he thought they were one person. The feelings that Soering had for Haysom were not too dissimilar to the love he felt for a girl he met in Mexico on a three-week vacation. Many weeks after that vacation, Soering got drunk at UVA and attacked his fellow students. Isn't that also a crime of passion?

Then Watson adds that the crimes were possibly done under the influence of mental illness and/or drugs. This description definitely includes Soering. He was diagnosed as suffering from a disease of the mind. In addition to the diagnosis carried out by very experienced psychiatrists commissioned by the Soering family (not independent friends of the court as Soering claims), Soering wrote a very disturbing letter a few weeks before the murders. This letter was so strange that when I read it, several weeks before I knew the Haysoms had been murdered, I thought it showed murderous tendencies.

Watson points out that the letters written between Soering and Haysom, and their joint diary, contain no confessions and therefore they provide no basis for determining whether Soering committed the crimes or covered them up. Most of the letters he refers to don't contain any confessions because they were written before the murders had been committed. They do contain passages that clearly indicate that Soering and Haysom were thinking about the death of Derek Haysom only a few weeks before he was murdered. It was these letters, together with a joint diary, that gave rise to my suspicions that Haysom and Soering had committed a serious crime before leaving the USA.

The diary in particular is incriminating because of the entry that indicates that Soering and Haysom were worried that the police had covertly obtained Soering's fingerprints from a coffee mug. Watson doesn't even mention this very significant piece of evidence. Soering now says that Haysom wrote that entry in the diary as "insurance" to make sure that Soering would confess to crimes he did not commit. He says the diary entry was made up by Haysom and was one of many lies she wrote in the diary. Soering could easily have crossed out that entry or torn out the page it was written on. Soering tried to explain away the diary comment in his book *Mortal Thoughts*. He described how he discovered Haysom's lies and confronted her about them. However, the events he describes in his book couldn't possibly have happened how he said they did. Other entries in the diary, in Soering's own handwriting, and what he said when interviewed, prove that he is lying about his alleged confrontation with Haysom about lies she had written in the diary.

If Haysom had made up the entry about fingerprints on a coffee mug why, many years later, would Soering need to lie about having a confrontation with her? Evidence indicates that the entry about the fingerprints on the coffee mug was written by Haysom when Soering was with her, and he told her what to write. Soering **was** worried that the police had retrieved his fingerprints

from the coffee mug, and he was worried that those fingerprints would link him to the crime scene.

Next Watson talks about Haysom, calling her the “star witness”. A phrase often used by Soering. He says it troubles him that Updike called her as a witness. He also says that Dr Showalter testified that it was not true that Soering and Haysom bought a knife. If Showalter did testify to that effect, I would expect that there would have been an objection to his testimony since Showalter was not with Soering and Haysom on the day in question. How could Showalter testify that something was true or not true if he wasn’t there when it is alleged to have happened? Sweeney would not have allowed a witness to give hearsay evidence.

Watson points out that Howard Haysom and Annie Massie were not satisfied that Elizabeth Haysom was not at the crime scene. Surely, with his years as a police officer, Watson knows that whatever Howard Haysom and Annie Massie thought, it is not evidence of anything.

In Watson’s letter he makes the following statement:

Watson: “To give one example of how fantastical Elizabeth Haysom's account was: she claimed that when Soering returned to Washington after the murders, he picked her up in the rental car on a busy street in Georgetown dressed in nothing but "some kind of white sheet, and he was covered in blood from head to toe." (Tr., Oct.5, 1987, p. 170). The blood was "all over everything," the sheet itself and all over the car. (Tr., Aug 25, 1987, p.20 citing interrogation of May 8, 1987,p. 11). This cannot be true because forensic tests presented at Soering's trial established there was no blood residue at all in the car.”

Anyone who believes Soering’s claim that he stayed in Washington DC while Haysom went away in the rental car will say that Soering was never in the rental car covered in blood. So why is it relevant that no blood was found in the car? It’s only relevance to Soering’s claim is because he uses the fact that no blood was found in the car to discredit what Haysom described. Watson does the same, he uses the issue of blood in the rental car as an example of how Haysom’s version of events cannot be true.

Assume for a moment that Haysom's description of Soering when he picked her up in Georgetown is accurate:

1. Whose blood would be in the car?
2. How much blood would be likely to be there?
3. Where would the blood be likely to be found?

There is no suggestion from anywhere that the victims were ever in the car and if they had been in the car after being injured there would be a great quantity of their blood present. Any blood from the victims would have to be transferred to the car from an assailant, an assailant's clothing or footwear, or from a weapon or article taken from the crime scene. I suggest that any blood from the victims would be in very small quantities. And don't forget that Soering said that he cleaned himself up as best he could before leaving the house. I think it's a reasonable assumption that if Haysom did see blood in the car it would most likely have come from the injuries Soering said he received.

Soering did say that he was bleeding when he was at the dumpster. The injuries he said he received could bleed for some time, but his journey back to DC would take around three and a half hours. He said he drove along, with the towel wrapped around his hand, blood from his wounds would coagulate and he would gradually stop bleeding. It is very feasible that by the time he stopped bleeding, if he was wrapped in a white sheet, it could easily be very badly blood stained. But any blood on the towel and on the sheet would also be drying up as he drove. It was late evening and night in March and most people would have the car heater switched on. An injury to the fingers as described by Soering could produce what would look like a lot of blood, particularly when contrasted against a white sheet. But during the drive back to DC, the blood soaked into the sheet would begin to dry and the wounds would begin to seal up. It would not be surprising if the amount of blood that came in contact with the car itself was quite a small amount.

We can never be absolutely sure, but as said in the previous paragraph, it's reasonable to expect that if Soering was bleeding in the car, the majority of the blood would be soaked up in the towel and bed sheet. What Haysom described is not a step too far, and when the sheet, the bloody clothes, and Soering were removed from the car, so the majority of blood would also be removed.

After seeing a white sheet covered in blood, it would not be surprising for someone to exaggerate somewhat when describing it. So, we should look closely at what Haysom said. Did she exaggerate? And did she say there was blood all over the rental car?

In her interview of June 8, 1986, she said that the sheet wrapped around Soering was covered in blood. In the same interview a few minutes later she said *“I mean, blood everywhere – I had never seen so much blood. I didn’t know what was going on. I didn’t know whether I believed him or not. I just gave him my overcoat because he had blood all over him.”* She didn’t say that there was blood all over the car at all, she was talking about the sheet and about Soering.

Haysom was interviewed again on May 8, 1987. Once again, she described the sheet as being covered in blood, not the car. Then Gardner specifically asked her about blood in the car:

Gardner: “Now when you went back to the car, did you find anything in the car?”

Haysom: “No, I just – it was blood.”

Gardner: “It was blood in the car?”

Haysom: “Yes.”

Gardner: “All right. Describe it – where the blood was in the car?”

Haysom: “Ah, on the steering wheel, on the rearview mirror --- “

Gardner: “Was it any on the seat?”

Haysom: “He told me to clear the seat. I don’t remember seeing any. He told me to clean – I just wanted to – you know he said clean the seat, clean the pedals, clean the steering wheel and all the attachments, the radio, the dashboard, the rearview mirror and the front of the car where he hit the dog. He didn’t want the dog remains on the front of the car.”

So, again Haysom didn’t describe the rental car as being covered in blood.

But Watson has cited another reference to support what he says about blood in the rental car. He cites a trial transcript of August 25, 1987. Surely this will be a transcript of what Haysom said, and it will contain a description given by her saying that the rental car was covered in blood. But it isn’t, it’s a transcript of what Gardner said. Gardner was asked what Haysom had said during the interview of May 8, 1987. The question that Updike asked him was actually several questions all rolled into one.

Updike: “[Question 1] And Page Eleven, she begins describing opening the car door, [Question 2] seeing Jens Soering inside [Question 3] with the bed sheet wrapped around him [Question 4] and she describes the blood all over everything, [Question 5] the sheet itself [Question 6] and all over the car; would that also be correct?”

So now we can see where the comment about blood being all over *"the sheet itself and all over the car"* really comes from. It was Updike who said it, not Haysom. Faced with having to answer a question with multiple questions rolled into one, Gardner simply said, “Yes Sir”. This is the source of the myth that Haysom said there was blood all over the rental car. The fact is that Haysom only said there was blood on the sheet, on Soering, on the steering wheel and on the rear-view mirror. She specifically said that she didn’t remember seeing any on the seat.

In reality, given that the victims were never in the car, and Soering said he had minor injuries to his hand; and he cleaned himself up, one would not expect to find very much blood in the car. But Haysom did say there was some, and where she said she saw blood was where you would expect to find it if the driver had an injured hand.

So, if it was there, why wasn’t it found? The truth is that no forensic samples were ever taken from the car and we will never know whether blood was present or not. The car wasn’t properly examined. Whether it’s possible to clean away blood with coca cola has been discussed elsewhere in this report, so there’s little point in repeating myself. What I will point out is that the car was returned to the rental company on March 31, 1985. It was examined on April 9, 1985, the day after Haysom was interviewed, but no forensic samples were taken. There was a period of 9 days between those two events. We don’t know how many times the car was rented out, returned and cleaned during that time, and we don’t know what chemicals the rental car company use to clean their vehicles.

When Reid sprayed luminol in the car did he mix it correctly? Were the lighting conditions suitable for observing any reactions to the luminol? Chances are that the car was outside in broad daylight. Did he spray luminol in areas where there may have been blood traces? Were any reactions to the luminol masked by coca cola or by car cleaning chemicals?

Watson completes his comments about blood in the rental vehicle by making the following statement which is obviously a mistake:

Watson: "This cannot be true because forensic tests presented at Soering's trial established there was no blood residue at all in the car."

You can be assured that no forensic tests in relation to blood in the rental car were presented at Soering's trial. There was only testimony from witnesses that some luminol was sprayed in the car and no reaction was observed.

Although Watson probably wouldn't have known it when he wrote his letter in 2012, according to Hudson, Reid has since said that he didn't examine the car properly. He didn't examine the outside of the car, and he severely restricted his examination of the inside of the car to just a few areas. The only test Reid did do was spraying some luminol in a few places. Luminol is only a presumptive test and does not determine the presence or absence of blood, only that blood might be there. If a reaction to luminol is observed, then further forensic tests have to be done to establish if blood is present. No one, including Watson, will ever know whether there was blood in the car because no swabs or samples were ever taken, and no further tests were ever done. Watson is mistaken when he says it was "*established there was no blood residue at all in the car.*"

The fact that there is no evidence of blood in the car does not disprove what Haysom described.

Watson's goes on to talk about motive and modus operandi. Though he only mentions one thing about modus operandi, simply saying "Soering would have used a gun". This sounds like a direct quote from Soering not backed up by any evidence. Does Watson know Soering well enough to know what type of weapon he would use? Or did he consider how easily Soering could obtain a gun?

I've personally heard Soering say that he knew the locations of several guns that he could have stolen if he had wanted to, but those guns were in Atlanta, and Soering was in Virginia, and once Soering started his studies at UVA his family moved to Detroit, so the family home was no longer in Atlanta. Once Soering had moved to Charlottesville he no longer had an opportunity to steal the guns he frequently talks about. What's more, Haysom said that their initial

plan was to go to Washington DC more than once to set a precedent. The weekend of March 29th – 31st was supposed to be setting that precedent, but they realised they couldn't afford frequent trips. They had a longer-term plan, but the decision to take action that particular weekend was unplanned and there was no opportunity for Soering to obtain a gun in time.

I'll now put the record straight about the mental state of Soering. Watson says that Soering has no history of mental illness or drug use. The truth is that he has a history of both, though the drug use is limited to trying drugs just a few times.

It was Soering who told me he tried drugs a few times, and he told the German prosecutor too. More importantly, Soering told us that he rarely drank alcohol, and on the day of the crime he said he drank some cans of beer and several "stiff drinks". He told us he was most likely intoxicated, and he gave us an example of a previous occasion when he got drunk and attacked his fellow students.

On the issue of Soering's history of mental illness, there is irrefutable evidence that Soering was suffering from a mental illness. In 1986 Soering was diagnosed as having an abnormality of mind. An abnormality of mind so severe as to cause an impaired appreciation of reality.

Dr Hamilton: "I therefore believe that at the time of the homicides Jens Soering was suffering from an abnormality of the mind in which the predominant feature was an impaired appreciation of reality in this circumscribed but critical area. It is my opinion that at that time he was suffering from such an abnormality of mind (arising from disease of the mind) as to substantially impair his mental responsibility for his acts."

Dr Hamilton's diagnosis is evidence in this case, it was produced by Soering himself at Bow Street Magistrates Court in 1986. The psychiatrist who diagnosed Soering was not a "friend of the court" as Soering likes to say, he was retained by Soering and his family to act on Soering's behalf. Even so, the psychiatrist still diagnosed that Soering was suffering from a "disease of the mind".

A few weeks before the Haysoms were murdered, Soering wrote a very disturbing letter. In that letter, amongst his ramblings, he wrote that he was

“yet to kill”. He referred to Derek Haysom several times in that letter, talking about depriving him of his property and depriving people of their souls, even saying that he had the dinner scene planned out. There is ample evidence that mentally, Soering was a very troubled young man. Watson points out that he thinks that the perpetrators were under the influence of mental illness and/or drugs. Soering’s mental state certainly fits that description.

Soering may say that he was in some way pampering to the whims of Elizabeth Haysom when he wrote the disturbing letter I refer to. I don’t believe that is the case though. That long, and very disturbing letter was written over several days and nights. It was a collection of Soering’s thoughts, and as he typed out his thoughts, he included in the writings that he wasn’t sure if he would actually show the letter to Haysom. He thought that if he did so she might not stay with him after reading it. The letter that I say was written by a very troubled person could simply be the ramblings of a young person going through what they perceived to be difficult times. I might agree with that, except for the fact that a few weeks later Derek and Nancy Haysom were murdered.

Although he would not have known it at the time, the diagnosis written by Hamilton contains a comment that is absolutely relevant to this case today. Hamilton made his comment with reference to Soering, but it’s surprising how appropriately he has described others now connected to this case. Hamilton said:

Dr Hamilton: “Equally cases have been reported of infectious hysteria where there is a contagious spread of false beliefs in a group of people.”

Hamilton’s comment perfectly describes the actions of a plethora of people who blindly repeat Soering’s false claims.

Watson then moves on to the topic of “hatred”. He says that Soering had no reason to hate the Haysoms, and that Elizabeth Haysom hated her parents.

Again, there is ample evidence that Soering absolutely hated the Haysoms, particularly Derek Haysom. He thought they abused Elizabeth Haysom, he knew they didn’t approve of his relationship with her and they were threatening to remove her from UVA and have him expelled. Soering said that his feelings of hatred and resentment went back long before he met the

Haysoms, and he also wrote about his hatred for his own parents, particularly his father. Perhaps that's why Derek Haysom suffered more injuries than did Nancy Haysom.

When Watson talks about Haysom in relation to motive and modus operandi, he says that Haysom abused drugs for many years, and that she hated her parents. Perhaps these comments are meant to give an impression that Haysom was a seasoned criminal at the time of the murders. The odd thing about the Haysom murder case is that drugs were never a feature of the enquiry at all. The only person who has said that drugs were involved is Soering, and it was five years after the murders when he said it. There is no evidence that drugs were involved. I know this case very well and I don't recall any evidence of Elizabeth Haysom abusing illegal drugs for "many years". She did openly say that she used drugs, including heroin, and we do know that Elizabeth Haysom went travelling around Europe where she was exposed to drugs. That was only a few months before she joined her parents in the USA late in 1984.

Like any other young person, including Soering, Haysom loved and hated her parents at times. After she arrived in the US, she developed a relationship with her mother that Soering described as being more like best friends than mother and daughter. As for her father, even Soering said that Haysom loved him.

Even Haysom's account of her staying in Washington DC and not warning her parents that Soering was on his way to their home and was prepared to kill them would require some sort of motive. The truth is that Soering, or Haysom, could have had motives that may not be clear to other people. It certainly can't be said truthfully that Haysom had a motive and that Soering didn't.

It's often suggested that a strong motive for Haysom to kill her parents is because Nancy Haysom was sexually abusing Elizabeth Haysom. The trouble with that suggestion is that it provides an equally strong, perhaps stronger, motive for Soering too. And, I fail to see how that would provide a motive for Haysom to kill both parents. The problem with motives for a crime is that although the perpetrator has a motive in their mind, it may not be apparent to those looking on.

At the end of Watson's section on motive and modus operandi, he tells us that he couldn't actually come to any hard conclusions, only a "hunch". This means that there is no point in taking his comments seriously.

Watson also says he is "troubled" that the prosecutor withheld evidence discovered in 1996, about Shifflett and Albright. I have pointed out elsewhere in this report that Updike supplied the defense with a list of Items submitted to the forensic science lab long before Soering's trial. The names of Shifflett and Albright were on that list. Their names were not withheld from the Soering defense.

To set the record straight, prior to the trial in 1990, Updike served Soering with a whole pile of documents under the discovery rules. This pile of documents was everything that Updike had. One of those documents was a list of forensic Items submitted to the DFS in 1985. Items #55 and #56 on that list are the fingerprints of Shifflett and Albright. It's not true that evidence was withheld. Soering was given the names of Shifflett and Albright long before his trial in 1990. At Soering's trial, Soering and his defense could have asked any questions about Shifflett and Albright that they felt were appropriate, and they could have called witnesses if they wished. They chose not to do so. Six years later Soering claims to have found out about Shifflett and Albright, but he had their names all along. He then accused Updike, Gardner and the Bedford County Sheriff's Office of withholding information. If the prosecution didn't want Soering to know about Shifflett and Albright, why did Updike give them the list of forensic Items knowing that the names of Shifflett and Albright were on that list?

Let's not forget, Cleaveland was Soering's second attorney. He lived and worked in the Roanoke area where Shifflett and Albright committed a murder. It's inconceivable that Cleaveland didn't know of that Roanoke murder not long after the Haysom murders and the arrests of Shifflett and Albright.

If Watson had gone through the case papers thoroughly, he would have seen the names of Shifflett and Albright in case papers from 1985. It should also be noted that experienced appeal court judges have already considered whether the information about Shifflett and Albright being stopped in Bedford County is in fact exculpatory. They ruled that it is not.

Then Watson gets to the issue of an FBI offender profile. There isn't a profile, it never existed and therefore one will never be found. The FBI haven't got a profile because the request forms needed by them were never completed and submitted. The FBI were contacted, and Sulzbach did go to Bedford County, but a profile was never completed. If a profile had been written I can guarantee that the FBI would have kept a copy of it. They don't respond to requests by producing an official report and handing over the only copy in existence. If a profile had been written, they would have a copy and they would have found it when they were asked for it.

Apparently, Sulzbach did visit the crime scene and apparently, he made some notes, but he never produced a written offender profile. His notes remained hidden in Reid's garage for many years. No wonder Gardner didn't know about them. Watson's comment that Gardner was "evasive" when asked about the profile is totally inappropriate. Gardner knows nothing about a profile and he told Watson so, now Watson accuses him of being evasive. He wasn't being evasive at all, only in the mind of Watson.

After Watson has decided, without any evidence of it, that a profile was written, he says that "another" breach of discovery rules took place because the profile wasn't produced at court. Once more Watson has chosen to believe a convicted fraudster and proven liar, and assume that Gardner, Updike and the Bedford County Sheriff's Office are for some reason lying about the existence of a profile. You should ask yourself, why would they do that? An offender profile isn't even admissible evidence. A judge that accepts an offender profile as evidence can expect a successful appeal against conviction at a later date. What's more, Sulzbach had been told about Mary Fontaine Harris by Reid. She was an innocent local woman who featured briefly in the early part of the enquiry and was quickly eliminated. The verbal statements Sulzbach made were referring to Harris, not Haysom.

The supposed proof that a profile was completed is a letter that Updike wrote to the lawyer of Mary Fontaine Harris. This letter is supposed to prove two things, the existence of a profile, and that Sulzbach "settled on" Elizabeth Haysom as a suspect. The Updike letter doesn't do either. Updike, uses very precise language in this letter saying that Sulzbach, who "is trained in the field of compiling profiles of criminal suspects ...". Nowhere in the letter does Updike indicate that there was an offender profile. He only repeats what Sulzbach had stated.

Although Watson didn't comment on this point, I'll also add that neither did Sulzbach name Elizabeth Haysom as a suspect. The Updike letter referred to Mary Fontaine Harris as a suspect, not Haysom. It should be considered, why would Updike serve his letter under the discovery rules, mentioning Sulzbach and another suspect, if the prosecution had a profile that they were trying to withhold?

There's another point to be made about this non-existent profile. Gardner is the person who is always accused of withholding a profile (a profile that doesn't exist). Watson doesn't accuse Gardner directly, but he infers that Gardner has something to hide when he says that Gardner became evasive. When it comes to disclosing evidence, the job of Gardner, and the Bedford County Sheriff's Office, is to notify the prosecutor of the existence of the evidence. Obviously, Updike was informed of what Sulzbach had stated because Updike mentions it in his letter. It's not Gardner's responsibility to inform Soering or his defense team of evidence, that's the job of the prosecutor. Once Updike is informed, there ends the responsibility of disclosure of evidence as far as the investigators are concerned.

Any accusations that a profile existed and was withheld should be made against Updike not Gardner. Soering and his supporters don't accuse Updike because he will confirm that there never was a profile and they prefer to try to undermine the integrity of Gardner instead. The more times Gardner is asked about a profile, the more times he will say he doesn't know of it, and the more often he will be accused of being evasive about it. Very clearly, neither Gardner nor the Bedford County Sheriff's Office can be accused of withholding any information because Updike had been informed about what Sulzbach had said. Perhaps the question that should be asked is why Reid kept Sulzbach's notes in his garage all these years.

Throughout this report my intention was to be as objective as possible and not become emotionally involved. I hope I've done that even though Watson makes this intention difficult to maintain. Watson says to the Governor of Virginia that *"Those denying the suspect his rights and suppression of evidence are common in high profile cases"*. I can assure the Governor with 100% certainty that I did not deny Soering any of his rights, neither did Beever, Gardner or Updike.

Watson's comment is a general statement about rights being withheld in high profile cases, but make no mistake, it's nothing more than a veiled accusation

aimed at Gardner, Beever, Updike and me. It's very obvious that Watson believes that we did deny Soering his rights, and he does so without even asking us what happened. Perhaps denying people their rights is common practice in the environment where Watson works, but it's not common in my cases. It's not even a rarity, it **never** happens. I know that Soering also claims that he was held "incommunicado", and that is also not true. Once more Watson has accepted what he was told by Soering and publicly repeats Soering's vicious lies casting doubt on the integrity of all four of us involved in the UK interviews.

In the UK in 1986, there were laws in place that dictated how a person in police detention will be treated. Those laws allowed a suspect his/her rights and those rights could not be denied unless there were exceptional reasons. Every aspect of a person's detention had to be recorded by an officer independent of the enquiry and recorded in a "Custody Record". Another independent officer of a higher rank was required to review the person's continued detention every few hours and those reviews are also recorded. Did Watson examine Soering's Custody Record? I know he did not. I know because if he had, he would have seen that Soering did not want a solicitor/lawyer, he was not held incommunicado, and that all interviews after the first two were at Soering's own request. Not only did Soering request to be interviewed, he also signed Miranda forms waiving his rights to have an attorney present, and many, many times he said in tape recorded conversations that he didn't want a lawyer until after he returned to the USA.

You, Governor, can totally disregard Watson's comments about suspects being denied their rights and evidence deliberately being suppressed because neither of those events took place in this case.

Watson has repeated the allegations that Soering has been making over the years and I can't see anything new. He points out that the trial judge was a friend of the family, saying this contributed to Soering's conviction. I fail to see how. Perhaps Sweeney shouldn't have presided over the trial, at least then it couldn't be inferred that there was some kind of bias against Soering.

Whenever this subject is brought up, and that's quite often, no one has ever given a single example of any decisions made by Sweeney, or anything said by him, that wasn't 100% justified. Several very experienced appeal court judges have studied this case in detail, and not once have they criticised the conduct

of Sweeney. By repeating that the trial judge was a friend of the family Watson questions the integrity of Judge Sweeney. As far as I know Sweeney was honest and fair, and he doesn't deserve his good character to be questioned. Particularly when he can no longer defend himself.

Then we hear from Watson that Soering's defense attorney had his license revoked and was suffering from a mental illness, suggesting this also contributed to Soering's conviction. The fact is that it was the evidence that convicted Soering, and much of it came from Soering himself. This is not the first time we've heard about Soering's lawyer, and every time, rather conveniently his second lawyer is never mentioned. Very experienced appeal court judges heard this claim years ago and dismissed it because they found that the lawyer did represent Soering to an acceptable level. In addition, the judges noted that his second lawyer was local, experienced and of sound mind.

The next thing Watson says contributed to Soering's conviction is the fact that the trial was televised. Presumably he is inferring that this was somehow to the detriment of Soering. American cases, much more recent than this one, demonstrate that TV and media coverage of a trial does not affect a jury. The Anthony case is a good example. A mother was accused of murdering her child and the case received huge media attention. TV coverage was such that media and public opinion was that she was definitely guilty of the crime. Despite the high visibility media coverage and public opinion that Anthony was guilty, the jury made up their own minds finding her not guilty. The intelligence and morality of juries should not be underestimated.

Finally, Watson points out that the national D-Day Memorial is located in Bedford. Well, it wasn't there in 1990 when Soering was tried, it was built much later on. Does Watson really think that Soering was convicted because he a German and his trial was in Bedford, and 46 years earlier several men from Bedford County died in the D-Day landings? Soering was convicted because of the evidence. Yet again, we have one of Soering's own complaints rather than an observation made by Watson.

There are some issues that need to be addressed connected to the inference that Soering's nationality puts him at a disadvantage in Bedford County Circuit Court. The first point has been mentioned already; the D-Day Memorial was not built until several years after Soering's trial. The jury, who weren't from Bedford County, probably never even thought about the second world war when Soering was being tried. As far as I'm aware, no one mentioned the war in the newspapers or on TV, and there certainly wasn't a Memorial there to remind them of the Bedford men that lost their lives during the war.

Another point is that Sweeney did take notice of the Soering defense claim that Soering could not expect a fair trial in Bedford. To ensure that his trial was as fair as possible Sweeney decided to bring in a jury from another County. The pool of potential jurors went through a selection process where the defense could question and object to potential jury members, and they did object to many. The jury that found Soering guilty of two homicides were not from the county that lost more men than any other on D-Day. This is a ridiculous argument to put forward, and one which comes direct from the mouth of Soering himself.

To conclude his letter, Watson puts forward the following recommendations:

1. That fingerprints from the crime scene are submitted and searched on AFIS.
2. That an FBI offender profile is obtained.
3. That Mary Fontane Harris is investigated as a suspect.
4. That Soering is deported from the USA.
5. That the evidence in this case doesn't support a conviction.

Watson recommends that any unidentified crime scene fingerprints are checked against the national database. It's my understanding that that is done automatically following FBI protocols on local, state and national levels of IAFIS.

Watson says that the FBI offender profile should be obtained. That will never happen because there isn't one, it doesn't exist.

Watson recommends that Mary Fontaine Harris should be investigated further. Reid was the officer who took the lead investigating Harris in 1985 (and who was the main liaison point for Sulzbach). Reid is the same officer who, for many years, said that Soering and Haysom committed the murders but he has now changed his mind.

Harris willingly provided samples of her blood and hair, and also her fingerprints and footprints. None of these samples linked her to the crime scene. Although no DNA sample is available for comparison with DNA traces found on crime scene items, she has blood type A and her serology data is very different to all other data. She has since been further eliminated by Soering's forensic examiner, Webb, when he said she could not have been the source of the impression LR-3.

When Elizabeth Haysom was first interviewed a few days after her parents were found dead, she was asked about Harris and she said didn't think that Harris would kill her parents. She was interviewed again and this time she said that she thought Harris was involved somehow. When she was again asked about this in 1987 Haysom said she had implicated Harris trying to take any suspicion away from herself and Soering.

It's this interview in 1987 that seems to have prompted Watson's interest in Harris because he quotes part of the 1987 trial transcript when Haysom was asked about Harris. What isn't clear is what part in the murders does Watson suspect that Harris played. He says in his letter that he thinks that Haysom was involved, so, is Watson suggesting that Haysom and Harris together killed the Haysoms?

Watson also recommends that Soering be deported from the USA. His recommendation carries no weight. It's based on facts that are incorrect and it's not within Watson's circle of influence to make such a recommendation.

The final recommendation isn't a recommendation at all, it's simply Watson's opinion. He makes a statement that the evidence doesn't support a conviction. The evidence did support a conviction in 1990 and it would support one today.

The Harding letters dated May 2, 2017 and September 13, 2017

I had hoped that my comments about the Harding letters would be very short. Unfortunately, they cannot be so because Harding's letters are so full of inaccuracies. These inaccuracies need to be corrected so that the Governor has reliable information when coming to his decision. Many of the points raised by Harding are considered elsewhere in this report, so I will try to keep this section as short as possible.

The letters that Harding wrote are addressed to the Governor. Even so, Harding has not given the Governor a chance to consider privately what he says before allowing his letters to be publicised. Instead, Harding has made them as public as possible on news media and worldwide on the internet.

When I first read the letters, I knew immediately that they were totally inaccurate, and they're outrageously misleading. Even so I was reluctant to point this out to the Governor because I didn't want to embarrass another law enforcement officer. But Harding has accepted everything that Soering has to say without question. He has then failed to verify his facts through anyone who may have evidence that disagrees with what Soering says. Harding has thrown the weight of his official office firmly behind the campaign that claims Soering's innocence, as if his opinions must be correct. But, in truth, Harding has failed to look properly at the evidence.

The information supplied to the Governor in the Harding letters is unreliable for the following reasons:

In the letters Harding has named his sources of information, and therein lies his problem. He has listened only to sources who are prompted by Soering. What is worse, having heard an account of events from Soering and his followers Harding has then failed to check what he has been told against the evidence, or with those that know what really happened.

Harding's initial observations

Harding makes two initial observations as follows:

"I make two observations in this case based on my years of investigative experience and my extensive work on this case: 1) Soering would not be convicted today on the evidence that has since surfaced or was improperly submitted or omitted from the jury and 2) the evidence appears to support a case for his innocence"

Harding is not better qualified in law than Judge Sweeney or the many appeal court judges who have already examined the Soering conviction. Harding is wrong to state in his letter to the Governor that Soering would not be convicted if tried today. He is not qualified to give that opinion, which is no more valid than mine, and my opinion is that Soering would be convicted today. Harding talks about evidence that has "since surfaced". The only evidence new to this case is the 2009 DNA report from the Virginia DFS, and possibly the affidavit from Buchanan. Nothing in the 2009 DNA report has eliminated Soering and what Buchanan said is not even admissible evidence.

Harding alleges that original evidence was improperly submitted or omitted from the jury. These are serious allegations, but Harding doesn't say whether his allegations of impropriety are aimed at Updike, Sweeney, both of them, or at someone else.

In Harding's opinion the evidence supports a case for Soering's innocence. His opinion is based on a superficial, substandard and inadequate examination of only a part of the evidence in the case, and on the opinions of reporters, authors and TV programme makers who don't have direct knowledge of the case.

Harding's sources of information

Harding lists his sources of information as being:

1. Trial transcripts
2. Lab reports
3. Soering's petition for pardon and supporting records
4. Habeas petition appeal briefs
5. The DFS forensic file
6. Books written about the case

7. The Promise movie
8. Jens Soering
9. Conclusions of Chuck Reid
10. Report from Dave Watson (who worked on the case years after the event as a private detective)
11. Carlos Santos (reporter)
12. Frank Green (reporter)
13. Steven Rosenfield (lawyer for Soering)

Harding has come to his conclusions without having spoken to Haysom or anyone who testified for the prosecution.

Rosenfield – Rosenfield originally claimed to represent Haysom, even though he wasn't one of her original lawyers. He tried to interject in the proceedings offering to arrange for Soering's defense team to meet with Haysom if he was paid a sum of money. He also contacted Updike saying Haysom would testify in return for her early release. Even Neaton joined forces with Updike to complain about Rosenfield. The result was that Rosenfield was called before the court and he received a rebuke from Sweeney for his unethical behaviour. Rosenfield has since become Soering's legal representative (surely, a conflict of interests if he ever did represent Haysom?). In his book *Mortal Thoughts* Soering said the following about Rosenfield:

“Just a few days before opening statements began the most bizarre of all the pre-trial hearings took place. Steve Rosenfield, an attorney representing Liz, had approached my lawyers to offer them an opportunity to speak with his client -- for a sum of money. Since such arrangements were ethically dubious and embarrassing if made public, my attorneys contacted prosecutor Updike, and together they decided to inform Judge Sweeney of this development. In court the Commonwealth's Attorney revealed that Liz's lawyer had also made the prosecution an offer for her to testify in exchange for early release. When the unfortunate Mr. Rosenfield was cross-examined on the witness stand by my lawyers, Commonwealth's Attorney Updike and Judge Sweeney himself, he turned out to be a paralegal who had only recently passed his bar exam and now did much pro bono work for liberal causes. To me, Steve Rosenfield appeared well-meaning but naive

-- rather like myself, when Elizabeth brought even more trouble into my life than she was now bringing into his -- and I was glad when, many months later, the Virginia State Bar merely slapped his wrist for this incident."

When it comes to the Haysom and Soering case Rosenfield cannot be trusted. In a TV interview Rosenfield told everyone that Derek Haysom was 6' 3" and weighed 260lbs. At autopsy he was 68" (5' 8") and weighed about 165lbs. Soering has lied about many things and Rosenfield simply repeats Soering's lies.

Santos and Green - Carlos Santos and Frank Green don't have direct knowledge of the case and are not legitimate sources of information. Neither are books and TV programmes.

Watson - Harding's statement that Watson "worked on the case as a private detective" is very misleading. To clear up any ambiguity, Watson was never involved in the case. 22 years after Soering's conviction Watson was employed by Soering's legal team to write a report in support of parole for Soering.

Appeal briefs - The Soering appeal briefs are not a reliable source because they also contain lies told by Soering. For example, he claims that he asked for legal advice when he was interviewed in 1986. He did not! – I was there. Previous judgements from experienced appeal court judges who have examined what Soering says would have been more relevant than the briefs written by Soering and his lawyers. I haven't seen Soering's petition but having read Harding's letter and his "Press Pack" I suspect that the petition contains the same old lies. Looking at the Soering appeal briefs is not a problem, as long as you also look at the appeal court judgements on those briefs.

Reid - The Haysoms were found dead in April 1985. Soering and Elizabeth Haysom departed from the US seven months later in October. During that seven months period Reid worked on the case, so he does have some limited knowledge. He may have also carried out some enquiries after Soering and Haysom left the US, but he left the Sheriff's Office not long after they left the US. He did return for a while but played no further part in the enquiry. Reid does not know this case fully.

After all is considered, Harding has only listed three legitimate sources of information: the trial transcripts, lab reports, and the DFS forensic file. These three sources are only a small part of the total evidence in this case.

Defense Attorney Neaton

Harding – “Soering’s lead attorney, Richard Newton, was from Detroit. Years after the trial he had his license revoked by the Michigan Attorney Discipline Board. In answering one complaint to the board Neaton said he had suffered from a “mental or emotional disability which materially impaired his ability to “practice law” since January 1989 –eighteen months before Soering’s trial. pg. 213 “A Far, Far, Better Thing”

The lawyers name is actually “Neaton”, not “Newton”. The question as to whether Soering was properly represented at his trial has been adjudicated on in previous appeals. It was held that he was, and it was also pointed out that his second lawyer was a very capable local Virginia lawyer. Harding quotes from page 213 of “A Far, Far, Better Thing” which means that his information is from Soering. Even though Neaton’s conduct at Soering’s trial has already been examined by the appeal court judges, Harding still points out that Neaton was suffering from a mental or emotional disability which materially impaired his ability to practice law since January 1989. This is irrelevant because the appeal court judges took this into account. This is what the judges ruled:

“Finally, Soering argues that his rights under Strickland were abridged because his lead trial counsel, who has since been disbarred, was emotionally and mentally troubled at the time of the trial. However, we conclude that the Supreme Court of Virginia’s rejection of this claim was not an unreasonable application of Strickland, not only because lead trial counsel did not perform below an objective standard of reasonableness, but also because Soering was not prejudiced, since local co-counsel was of sound mind and represented Soering competently.”

Harding has continued Soering’s argument even though it was rejected by appeal court judges many years ago. Harding said that he had read appeal briefs. Perhaps he didn’t read the appeal results? Harding has told the Governor that Neaton’s licence was revoked, and that he was allegedly suffering from a mental illness, but he has withheld the information that appeal court judges have already made a ruling on this point. Arguments made

by Soering in previous appeals that have already been adjudicated should not form part of his current petition.

Harding's incorrect quotation of the DFS

Harding – “DNA results now conclude that the blood described by Updike DOES NOT belong to Jens Soering. Virginia Department of Forensic Science, report dated September 24, 2009, states, “Items 2FE and 6FE were both type O and testable, eliminating Jens Soering as a contributor.” Exhibit 4. Who left the blood at the crime scene is unknown at this time.”

This statement by Harding is absolutely untrue. Harding has made his statement and placed it in quotation marks as if the DFS made the statement. This statement is totally inaccurate and furthermore, **you will not find it anywhere in the DFS reports**. The DNA test results do not (and cannot) conclude anything at all about blood, not that which was described by Updike nor any other blood. The 2009 DFS report is about DNA and blood is not mentioned in it. The report doesn't eliminate anyone as a contributor of blood. Harding has substituted the word “blood” for “DNA”. They are not the same.

Sock print evidence

Harding – “Sock Print Evidence

The transcript references are to James Updike's closing arguments. In the testimony of his “sock witness” Robert Hallett, Hallett was allowed to speak as an expert testifying that he thought a particular portion of a photograph represented a “slide” of a foot in a sock, that he “presumed in his examination” where the heel was located, that he “could not eliminate” whether a foot impression matched, that he added markers to an exhibit photograph, and that the photograph showed a “double impression of the heel.” Hallett was refused “expert witness” status, but nevertheless gave expert testimony throughout his examination by Updike. This constitutes outrageous conduct by the prosecutor knowing full well that this witness was a “fact” witness and was not allowed to

give an opinion or make presumptions or examine and comment on a photograph. Yet, Updike relies on Hallett's testimony to make a connection between a photograph alleging to be a sock print that was never established through a competent witness and a bare foot print taken of Soering. None of this should have been shown to the jury and competent counsel today would not have allowed it. Exhibit 17C."

It seems that Harding has a law degree, recognised in the State of Virginia, that I'm not aware of. What could be shown to the jury was a matter for Sweeney to decide and I doubt that Harding has equal or better qualifications than Sweeney. It was Updike who decided not to produce Hallett as an expert witness, supported by Sweeney, but not because Hallett wasn't a qualified footprint examiner, he was. Updike and Sweeney knew that a footprint or shoe print expert could not claim to be an expert on socked footprints. There was no database of socked foot impressions, and there wasn't a long history of cases involving socked foot impressions. Soering's petition for pardon is not a trial with a judge and jury, so he gets away with producing people to give expert opinions on the sock print evidence. Had these experts tried to give their opinions in court, Sweeney would not have allowed them to because he recognised the difference between shoe prints, barefoot prints and socked footprints.

"This constitutes outrageous conduct by the prosecutor knowing full well that this witness was a "fact" witness and was not allowed to give an opinion or make presumptions or examine and comment on a photograph."

This time Harding has been a little more direct with his accusations of misconduct. In reality Hallett made some comments that were opinions and Neaton quickly made objections that were sustained by Sweeney. There was no outrageous conduct except that it is always difficult to restrain an "expert opinion witness" from going too far. A fact that is demonstrated very well by Russell Johnson and Webb who both give opinions on witness trial testimony and on what juries would think instead of sticking to their field of expertise.

Harding - "Hallett had worked at one point as an FBI technician analyzing tire and belt impressions."

Harding – “No expert was called to refute the representations of Hallett or Updike. Since then, real experts contradict Hallett and specifically exclude Soering from the crime scene based on the so-called sock print.”

Harding – “Webb worked 32 years as a Special Agent with the FBI assigned to the FBI Crime Lab. He was an expert in impression evidence and photographic evidence.”

The qualifications of Hallett were equal to the “real experts” that Harding refers to. What is more important is that the “real experts” do not contradict Hallett. Only in Harding’s mind is there a contradiction. It’s definitely not in their affidavits.

Hallett, Russell Johnson, and Webb were all similarly qualified forensic examiners in impression evidence. Sweeney’s court did not recognise **anyone** as an expert on socked foot impressions. Perhaps Harding doesn’t know that in the forensic world examiners qualify in “impression evidence”. Impression evidence includes tire prints, shoe prints, tool marks and other similar impressions. It’s also very likely that Hallett and Webb worked together at the FBI Lab. Harding also says that, *“real experts contradict Hallett and specifically exclude Soering from the crime scene based on the so-called sock print.”* They “specifically” do not exclude Soering. Russell Johnson says that *“A comparison of LR-3 with known prints of Jens Soering provides no evidence that Mr. Soering was at the scene of the crime.”* He does not “specifically exclude” Soering or anyone else from the crime scene. To say that the Item “provides no evidence that Mr. Soering was at the scene of the crime” is not the same as saying Soering is excluded.

The other expert, Webb, does eliminate someone, but it isn’t Soering. Webb says, *“This kind of indistinct impression (LR-3) is useful only to possibly eliminate some suspects whose feet would be considerably smaller or considerably larger. Thus it was possible to eliminate Fontaine Harris due to the fact that her footprint, measured from her known impression, is considerably shorter than the LR-3 impression.”* So, Webb was looking at Item LR-3 with a view to eliminating known foot impressions, and Soering wasn’t eliminated.

When the affidavits of Russell Johnson and Webb are read carefully, all they say is that the socked foot impressions could have been made by any one of thousands of five toed individuals (which includes Soering). They have not eliminated Soering, and it was Soering himself who told us he went back into

the crime scene with no shoes on. Harding's statement that "*real experts specifically exclude Soering from the crime scene based on the so-called sock print*" is just not true.

Shoe print evidence

Harding - "Updike does tell the jury that they never had Soering's shoe to compare to the prints in blood. What he and no expert tells the jury is that Soering was excluded from those tennis shoe prints as having a larger foot/shoe size."

This comment is very similar to the one already discussed on sock prints. Again, Harding's statement is not true. It's very interesting because neither Hallett, nor Russell Johnson, nor Webb, said that Soering was eliminated due to shoe size. Why is Harding telling the Governor this when none of the forensic examiners really said it? Not even the two examiners who support Soering. The only person I know of, other than Harding, who has said Soering was eliminated by shoe size is Soering himself. Anyone who has looked at the affidavits of Russell Johnson and Webb will see that they concentrate on sock impressions and don't even mention shoeprints. It seems that in Harding's world he can see shoeprints mentioned in the affidavits when they are not. Neither can Harding be referring to the report from DFS examiner Rick Johnson, because his report is dated June 7, 1985, before Soering was arrested. Rick Johnson couldn't eliminate Soering by shoe size because he didn't yet know about him. What Rick Johnson did say about shoeprints was that Item LR#2 was 10½ to 11 inches long.

Statements by Soering alleged to be different from the crime scene evidence

Harding - "Updike did not tell the Jury that Soering told police a number of statements in his confession that did not match the evidence at the scene evidence."

The reason why Updike didn't tell the jury that Soering's description of the crime scene evidence didn't match is that it matched almost perfectly.

Throughout several hours of interviews Soering only got one thing wrong, and that was about Nancy Haysom's clothing. It was not an error, he just couldn't remember, and he said so after thinking about it for a very long time. Harding has repeated the myth that there were many mistakes in Soering's confessions. If he had taken the time to look properly at the evidence, he would have seen that this is not true.

Tape recording of interviews

Harding – "Soering's first three interrogations in London after his arrest are partially memorialized via audio tape. However, when he made his alleged confession, Investigator Gardner did not record or take a signed statement. At trial, he testified from his notes. I have not seen his actual notes but rely on his testimony."

I must point out to the Governor that Gardner wanted to record every single word of the interviews in 1986. It was Soering who wanted the tape recorder to be off because it worked to his advantage. When Harding says that the first three interviews were "partially memorialised via audio tape" it's incorrect: no part of the first two interviews were tape recorded. Soering didn't want the tape recorder to be switched on until the third interview. After that, all interviews were requested by Soering and we attempted to record every word. Even then, whenever Soering was asked a question that he thought implied premeditation he would insist that we turned off the recorder. Soering was interviewed about the murders six times in June 1986, and once more in December 1986. The first interview was to get background information, the second was to quote from letters and a diary. Thereafter, every interview was at Soering's own request.

Harding is also wrong again when he says, "when he made his alleged confession", as if there was only one confession. Soering's confessions were made over several days and he confessed again in detail six months later when he had his German defence counsel with him. The confession to the German prosecutor, in the presence of the German defence counsel, was identical in content to the confessions recorded in note form by Gardner and me. There are many comments from Soering that I could quote here to show that his

confessions were made over several days, but for the sake of brevity I'll just point out that as early as June 5, the first day of interviews, he sketched the locations of the dead bodies.

Harding states that Updike was "out for a win". He was out for a win, so were Neaton and Cleaveland, they were doing their jobs. Every prosecutor in the world, and defense counsel for that matter, is trying to win their cases.

Alleged inconsistencies

Harding goes on to talk about:

Harding – "Large numbers of inconsistencies make the confession questionable. Many of his statements do not match with the actual evidence. These inconsistencies were not brought up to the jury by Updike."

- 1) *"Soering told the detectives that Nancy Haysom was wearing jeans the night of the murders, but in fact she was wearing a flowery housecoat."*

Soering took a very long time to answer when asked what the victims were wearing. The audio tapes are still available for anyone to listen to. He struggled to remember, then said Nancy Haysom wore jeans. This was his only error. What Soering actually said is shown below, and it's far from being one of a large number of inconsistencies.

Soering - "What they were wearing.....(long pause).....that's a very hard question. Let me try to think. I think Mrs Haysom was wearing jeans.....I think. Ah...but I...like I said ah...it's... I would say that part of it is very confused." "Yes very confused."

- 2) *"Soering says he cuts each victims throat and runs out of the house. Their throats were cut, but in addition Derek was stabbed 11 times in the chest and 14 times in the back, and Nancy stabbed multiple times as well. Soering never talks about that, and this point is not questioned at the time his alleged confession is given. Tr. Transcript pg. 48- 49. I am amazed this was not questioned."*

Which time was that? Soering confessed over several days, and he was questioned about the injuries to the victims. *“I am amazed this was not questioned.”*? Harding should not be amazed because Soering **was** questioned about stabbing the victims. This fact might not be noticed by Harding with only a cursory glance at the evidence, but it is there. For example, when Soering was interviewed on June 8, he was asked about his struggle with Derek Haysom. Soering said that he possibly stabbed him. If confirmation of this is needed, in December 1986, the German Prosecutor asked Soering about stab wounds recorded in the autopsy report for Derek Haysom. Soering said *“Yes, I was asked about this too.”* Harding must have missed that.

Shower evidence

3) There was blood evidence indicating someone likely took a shower after the murders, but Soering never mentions doing that.

This comment surprises me - someone *“likely”* took a shower? There is no evidence that someone took a shower and the statement should end at that point rather than continuing with a guess that can't be substantiated. This blood evidence that Harding refers to can only be Item 13B. There is evidence that a reaction to luminol was observed in the shower and that samples were taken on swabs. When these swabs were submitted to the lab for blood testing they were referred to as Item 13B. Harding is using this Item to suggest that someone took a shower. Having made the huge assumption that someone showered, Harding then continues as if it is now established that someone did. But Harding doesn't tell the Governor the rather strange results of the blood tests on Item 13B. The test results state, *“Blood was identified on the swabs from the bathroom shower after luminol usage. Tests for human protein were negative.”*

There is no evidence that anyone took a shower, only evidence that there was a reaction to the luminol, that blood was identified on the swabs, and that no human proteins were found. Perhaps the fictitious unknown assassins that Harding says were there had their dog with them and the dog bled while it showered? If the assailant/s cleaned themselves over the shower tray, and Soering did say that he cleaned himself in the bathroom, there would still be no evidence of anyone taking a shower. Harding has seen Item 13B and

intentionally used it to suggest that the person who is most likely to shower is Elizabeth Haysom. You must also remember that in “Mortal Thoughts” Soering described Haysom as having blood stained arms when he says she returned to the Marriott Hotel. That doesn’t fit with her allegedly taking a shower at Loose Chippings either.

When the murders began

4) Soering said that after Mr. Haysom pushed him, “He fell back into the corner and he bumped the back of his head, hit the back of his head on the wall.” Tr. Transcript pg. 847. But in the crime scene photos, there was a window there, not a wall.

I can’t tell if Harding is quoting Soering or Updike. To be clear about what Soering said in his interviews his comments are shown below:

“I got up very quickly and wanted to run out. Mr. Haysom got up and pushed me against the wall, pushed me back.”

“It all went in a hurry, it all happened at once. How it was in detail I do not know. I only know that when I wanted to pass him from behind he was standing. He had only to get up, really, while I had to take a few steps to get past him. He stood and pushed me back, pushed me, thus by the shoulders.”

“I thus fell back and in fact against the rear wall of the house in the dining room. It was a stone wall. I then bumped my head against it, how strongly, I don’t know anymore. I also could not assess it, but the next thing that I can remember is that I stood behind Mr. Haysom then blood ran from his neck into his lap, and that I was incredibly shocked.”

“No he was sitting. After I was away from the wall. What was in between, I cannot remember anymore. But I can remember distinctly that I stood behind him. Well he was sitting and I stood behind him, and that I with a knife in my hand at his neck, and that the blood ran into his lap. How I got there exactly, I do not know.”

“I know this rather accurately, as I just said it here. Mainly that I got up and wanted to run out, was pushed back, hit the wall with my head and the next thing I can remember is that I was standing behind Mr. Haysom.”

“I only know that I came away from the wall with a tremendous rage.”

“This was a combination of being yelled at and pushed away, and then as already said, that I banged my head against the wall, I don’t know.”

“As already said I came from the wall with a horrific rage in me and the next thing I remember is that I stood behind him in the total shock and horror that his blood was there in his lap.”

Harding is saying that the crime scene photos prove events couldn’t have happened as Soering said. In the main, he bases his comment on the fact that there is a window behind the dining room table, and not a wall. If one looks at the crime scene photos one can clearly see that the window behind the table is set into a wall. There is a substantial pier of brickwork or masonry between the right edge of the window and the corner of the room. There is also a solid wall behind the seat where Soering says Derek Haysom was seated. Soering could have banged his head on either of these walls and both fit perfectly with his description of events. In one statement Soering referred to “[the rear wall of the house](#)”, and in another he said he had to take several steps to pass behind Derek Haysom. Bearing these statements in mind, it could have been either wall. But he also said that the wall was a stone wall. The wall behind the seat where Soering said that Derek Haysom was seated does contain stonework. Harding is wrong once again.

Harding’s introduction of Griffiths

Harding – “I could continue to give examples, but I would just be repeating most of what is contained in a report done by an expert in the field: Dr. Andrew Griffiths.”

There are no more examples that Harding could give that are true. If there were why hasn’t he listed them. Instead he relies on a report from Griffiths, who says he cannot make a judgement on Soering’s guilt or innocence because he hasn’t seen all the evidence. And Griffiths is not an “expert in the field” of criminology, psychology or psychiatry. Griffiths claims to be an expert on the effectiveness of police training on interrogation techniques. As far as I’m aware he is not on any UK lists of expert witnesses used by the UK Crown Prosecution Service, nor any lists of experts recognised by the UK Courts. If he is, then his

opinions would still be restricted to his area of expertise, which he claims is police interrogation techniques, not the spoken content of interviews.

Griffiths took part in a video conference helping to launch Harding's "Press Pack". Not once did Griffiths speak about police interrogation techniques. Unless Griffiths has qualifications in criminal psychology or equivalent, then his opinions on the content of the interviews are not valid. Even so, Griffiths has still said that he reached his conclusion that the confessions are unreliable. He said that an important factor for him was that Soering was denied access to legal advice. Had Griffiths studied the case properly he would have seen that Soering has lied about that. Griffiths is familiar with UK procedures and will be aware of Custody Records. Perhaps he should have looked at the Custody Records in this case before giving his opinion. Griffiths also said that there wasn't very much blood in the dining room where Soering said he started his attack. The dining room floor was awash with blood and it's clearly seen in crime scene photographs. Griffiths has formed an opinion, which he is not qualified to give, based on factually incorrect information and only a small part of the evidence. The opinion of Griffiths can be disregarded because he is not qualified to give it and he has not reviewed all of the evidence. Writing his letter to the Governor without knowing the full facts of the case was a very foolish thing to do.

Luminol testing of the rental car

Harding - "the absence of luminol reaction proves that no blood was removed from the car"

It's very surprising that a Sheriff, or any other law enforcement officer, would make a statement as ridiculous as this one. When no reaction to luminol is observed in any crime scene it only means that there was no reaction, or that a reaction occurred that was not observed, or that the luminol was not used in a location where there was a chance of a reaction. That's all it proves, nothing more. It does not prove that blood was never there, and by contrast, when a reaction is observed, that doesn't prove that blood is present. That's why luminol is only classed as a presumptive test in forensic science.

Harding – The Soering personal check

Harding – “Soering also told the investigators that he had cashed a personal check that Saturday evening because Haysom had taken all the cash with her.”

This is more incorrect information. Soering never told investigators that he had cashed a personal check. It should be obvious to anyone, even those who aren't in the top ten of US cops, that Soering could not make a confession to the murders, either a genuine or a false confession, and also say he was in Washington cashing a check at the time of the murders. No, what Soering told us was that he drove to Loose Chippings and murdered Derek and Nancy Haysom. The first time the check was mentioned was four years later at Soering's trial in 1990. Updike pointed out, quite rightly, that there was no way to know what time of day that check had been cashed. How can Harding be so wrong on this point? Perhaps he has listened to Soering and then not checked what he says.

The wrong movie ticket numbers 27149 and 27141

Harding – “Months after the trial was concluded, Soering's lawyers made contact with the movie theater that had sold the tickets for the 10:15 p.m. showing of “Stranger than Paradise.” The tickets had specific numbers on them. Box office records showed the chronology of the tickets. On March 30, 1985, records showed ticket numbers 27014 through 27263 were sold for the 6, 8, and 10:15 p.m. shows. Soering's tickets bore numbers 27149 and 27141. The theater representatives felt confident that the earliest those particular tickets would have been sold was 8 p.m.”

Ticket numbers 27149 and 27141 are not the numbers on the tickets produced by the prosecution, nor by the defense at Soering's trial. The movie ticket stubs produced at trial were numbered 102479 and 102480, 505630 and 505631, and 025268. I haven't been able to establish where Harding got his ticket

numbers from. I assume he got them from Soering and then hasn't checked them against the trial evidence.

Meeting in Georgetown

"In addition, it is odd that she spotted Soering at just the moment he arrived at the busiest time on a Saturday night in Georgetown. That was either some extraordinary coincidence or pure fabrication."

I've been in Georgetown on a Saturday night in the 1990's, and much more recently. I know how busy it can be, and although it's busy, it's no comparison to a busy street in New York, London or Paris. I can assure you that it's not as big or as busy as L'Arc De Triomphe in Paris. Both Haysom and Soering said that they arranged to meet near to the theater showing The Rocky Horror Picture Show. Finding each other in Georgetown would be far less difficult than finding each other in Paris and yet they managed to do just that after being separated for a couple of days. Finding each other at a pre-arranged location in Georgetown is neither odd nor coincidental, and if it is "pure fabrication", then it is fabrication by Soering and Haysom because Soering also described how they met in Georgetown.

Luminol again

Harding – "Bedford County Senior Investigator Chuck Reid performed the luminol test on the car and agreed with Gardner."

In Hudson's letter to the Governor, Hudson says that Chuck Reid has acknowledged that he didn't examine the rental car thoroughly.

During the 1990 trial a witness described the car as being surprisingly clean when it was returned. That description doesn't add to whether or not there had been blood in the car, but if Haysom did clean the car twice as she said that would explain why the witness thought it was so clean.

Harding – "Every homicide investigation of which I have been involved and where the defendant has attempted to remove any form of blood

evidence from a vehicle, whether using a cleaning agent or not, luminol still led us to blood.”

Harding says that “*every homicide investigation of which I have been involved*”, and then limits those investigations to ones that involved a defendant attempting to remove blood from a vehicle, saying, “*still led us to blood.*” Luminol is not used in every murder investigation. When it is used, not all of those cases require a vehicle to be examined. When a vehicle is examined using luminol, not all of those cases will involve an attempt to clean up blood. Of those cases that do, Harding will not have been involved in all of them. If Harding was asked to list the homicide investigations he says he was involved in, where a vehicle was tested with luminol, and the suspects had attempted to remove blood, I think it would be a very short list. This sounds like a huge exaggeration by Harding, and if he was asked to list these homicide investigations with similar circumstances to this one, he would probably struggle to list one case remotely similar.

Haysom’s alleged confession to being at the crime scene

Harding – “E. Haysom confessed during one interview with law enforcement that she killed her parents. “Q – You knew he was going to do it, didn’t you? Did you? A – I did it myself. Q – Don’t be silly. A – I got off on it. Q – You did what? What does that mean? A – I was being facetious. Q – Ok then. Now tell me the truth, please, without being facetious. You did hate your parents? A– I did not hate my parents.” Here, the investigator possibly stopped a full confession. I have never seen an investigative response like this when interviewing a murder suspect.”

I was present during the interview when Haysom made that comment. It was definitely not a confession to being at the crime scene. The audio tapes of that interview are still available today. It was very clear to us when she made that comment that it was a facetious comment, made at a crucial point in the interview. Anyone who listens to the audio tapes will realise that it was not a confession to being at the crime scene. Immediately after making that comment Haysom went on to confess in full, incriminating herself in the

murder plot she said she and Soering had discussed. Her facetious comment was followed up on, and the follow up was that we continued with the interview and obtained a detailed confession from Haysom that was corroborated by Soering and that she has never changed since. Be aware that Haysom's confessions to conspiracy to murder her parents came after Soering had already confessed.

ABO type B blood found in the kitchen

Harding – “The following factors help support a conclusion that E.Haysom was at the crime scene : 1) E. Haysom’s type B blood was found near her mother’s body; less than 11% of population has this type.”

To say, “*E. Haysom’s type B blood was found near her mother’s body*” is an outrageous form of words for Harding to use. To be accurate, and without misleading the Governor, he should say that “type B blood was found near her mother’s body and Haysom has type B blood”. That would be an accurate statement.

Once again, Harding has withheld some important details from the Governor. He hasn't mentioned that Burton testified that she couldn't be certain that the blood traces she recorded as type B were type B.

If we continue on the assumption that the blood traces were type B, no evidence exists to show who was the source of it, or how long it had been there. Harding doesn't tell the Governor that the speck of type B blood found was on a rag inside the washing machine. The washing machine door was closed and there was a tea towel hanging neatly in front of the door. This is clearly seen in the crime scene photographs. Soering tells a direct lie in his book saying that the washing machine door was open. It was not. Why does Soering tell that lie? It appears that once again Harding has listened to Soering but not checked the evidence.

Merit cigarette butts

Harding - 2) Merit cigarettes, the type she smoked, were found outside the front door and back door."

There is more information available relating to Merit cigarettes and again, Harding has decided to withhold it from the Governor. First of all, Haysom lived at the house when she wasn't at UVA. It wouldn't be surprising to find her cigarette butts there. But, much more important information exists that Harding has left out. No forensic evidence was recovered from Item 1FE, a single cigarette butt. However, Item 1R consisted of two cigarette butts. One of them revealed no forensic evidence, the other did. The 1985 lab test results state, "*Tests on the secretions on the end of the other cigarette butt indicated the presence of amylase and that the secretions are type A.*" Elizabeth Haysom has type B blood. Is Harding now going to say that there was yet another person there with type A blood? Harding is using the fact that Haysom allegedly smoked Merit cigarettes (and she may have done, but I haven't seen any evidence of that), to suggest she was at the crime scene when, if anything, the forensic evidence on the cigarette butts rules her out.

Shoe prints again

Harding – "3) The shoe print found at the crime scene in a bloody area was consistent with her shoe size."

The shoe impression referred to by Rick Johnson was Item LR#2. Johnson said that LR#2 appeared to have been made by a jogging or athletic shoe, and that the shoe print was 10½" to 11" long (he did not say the shoe that made the print was that long, the shoe would be longer still). When referring to the shoe impression LR#2 and the remaining partial shoe prints, Rick Johnson made no comparisons with men's or women's shoe sizes at all. He didn't yet know about Haysom, so he didn't say the shoe print was consistent with her shoe size. Neither of the two experts that Soering quotes even mention shoes, shoe prints or shoe sizes in their affidavits. They don't say that the shoe print is consistent with Haysom's shoe size either. The only other person to mention shoes and shoe sizes is Deputy Baker. He took copies of sock prints and shoe prints to shoe stores trying to identify the shoe type. Neither Baker nor the

shoe store managers are forensic experts and their opinions would not be accepted as evidence. Nevertheless, for now I'll assume (but not accept) that the shoe store managers' opinions would be accepted and look at what they said.

The manager at Pic Way Shoes stated that a bare foot print (not a shoeprint) measuring "*9½ would mean that the person would wear a 6½' or 7' shoe.*" Another manager at Footlocker said that "*A 9½ foot print would show a 8' or 8½' shoe in womans sizes. A 10" shoe* [Baker wrote "shoe" but probably meant "foot"] *would be a 8' or 8½' woman shoe or a small boys shoe.*" Already there is a difference from 6½ to 8½ in shoe sizes. That's because neither of the managers are experts, and because shoe sizes differ greatly depending on the manufacturer and style of shoe. The store managers didn't say anything about Haysom's shoe size. So, if the shoe store managers, Rick Johnson, Russell Johnson and Webb don't say that the shoe print is consistent with the shoe size of Haysom then who does? Surely Harding hasn't made this up? There is one person who has repeatedly claimed that the shoe print is consistent with the shoe size of Haysom. That person is Jens Soering, no one else. Harding's information to the Governor is incorrect.

Haysom's relationship with her mother

Harding – "4) She openly hated her mother."

Harding cannot know what Haysom's feelings for her parents were. What is known is that Soering said that he felt anger and hatred towards Derek and Nancy Haysom. Even if Haysom hated her mother, no one has doubted that she loved her father. It's difficult to see how hatred for her mother would form a motive for her to murder both parents. We know that Haysom has admitted to helping Soering to kill both parents, so that joint enterprise would also need a motive. The reason they both gave for the murders was because their relationship together was being threatened by the Haysoms. This provides equal motivation for them both. Soering also said that he hadn't definitely decided to murder the Haysoms when he went to confront them. He said that when he got to Loose Chippings, the Haysoms threatened to take Elizabeth Haysom out of UVA and have him thrown out. This provides an added motivation for Soering to kill them, more so than Haysom's alleged hatred for her mother.

There was other evidence produced at trial that shows Soering's thoughts about his own family. Thoughts that he shared with Haysom in letters. He told her that in his family there was "*pain and loneliness*" and, "*I don't love my parents*". He described an "*emotionally brutal environment*", saying that his mother "*is tragically unhappy and rather insane.*" When talking about his father Soering said, "*My last ties to my father are broken. He is worse than he used to be and he is losing his last redeeming quality, his precision in technical matters. He knows nothing about me, we have nothing to talk about, he trusts no one, is loved by no one, yet thinks he is loved ... he actually thinks his wife and younger son love him, the poor fool (he's finally realized he has no relationship with me but still thinks we had one. We did not, not for ages.). I pity him immensely. He has nothing, and you know what? A part of him knows it. He will die soon. It's on his face. He looks about ready to have a heart attack.*" There are many comments made by Soering that make it clear that in 1985 he felt "anger and resentment" towards his own father. Harding says that Haysom hated her mother, citing it as a reason for murder. Well, Haysom did confess to her role in the murder of her parents so perhaps Harding is correct for once. But it's not evidence of whether or not she was at the crime scene. Perhaps a psychiatrist should be asked to look closely at what Soering has said about father figures and then look closely at the injuries received by Derek Haysom.

The alibi timeline

Harding – "5) She testified that she was aided by her roommate Christine Kim in devising an alibi time line".

Christine Kim did assist in writing the alibi timeline, so did Soering. Harding uses the term "devising an alibi time line" as if there is evidence that Kim was aware of Haysom's and Soering's involvement in the murders. The alibi timeline spanned the period from Friday, March 29 through to Wednesday, April 3. Kim was together with Haysom and Soering for much of that time and getting a third person involved in writing down their alibi could add credibility to it. There is nothing sinister in Kim helping to write the timeline. Don't forget, Christine Kim was assisting both Soering and Haysom to write down their joint alibi. And Soering's handwriting appears on it. Why does Harding think this incriminates Haysom but doesn't incriminate Soering?

Evidence from the shower again

Harding – “6) She had the best opportunity to shower afterward and to change into clothes at her own house, thus leaving no blood in the rental car.”

As already stated, there is no evidence that anyone took a shower after the murders. There is evidence in Soering’s interviews that he washed in the kitchen and bathroom. Luminol swabs taken from the bathroom shower were submitted to the lab, blood was detected but no human proteins were detected, perhaps because the blood was too diluted. In addition, Harding, nor anyone else, will ever know whether or not there was blood in the car because no swabs were taken.

Alleged plea bargain

Harding – “7) She worked out a plea agreement favorable for her to lie because Updike wanted Soering tried.”

I’m very surprised that Harding has made this statement. I’ve said several times that Harding has listened to Soering and then not checked what he has been told. This is a very good example of that. Updike could be asked today whether he made a deal with Haysom to get her to testify. I know he would say that there was no deal. Would Harding then say that Updike is lying?

What does Harding mean when he says, “plea agreement”. Haysom had already pleaded guilty to her involvement in the crimes. And why is it a factor that shows she was at the crime scene?

The statement is incorrect in so many ways. The most obvious error is that Soering was going to trial regardless of whether Haysom testified or not. In addition, no plea agreement was ever made. If one had been made, then that would have had to be relayed to Judge Sweeney or the Parole Board for it to take effect. That would need written records and there are none because there was no deal. Haysom was not indicted for or convicted of capital murder, so she did not need to bargain to avoid a death penalty. Taking that further, it’s evident that no bargaining was done during her court proceedings because of her sentence. 90 years imprisonment must be at the higher end of sentencing guidelines. Three years later, with 87 more years to serve, what incentive could

be offered to her that would be favourable for her to lie in Soering's trial? The fact that she is still in prison as I write this report demonstrates that she didn't negotiate an early release. Clearly, there was no plea agreement.

During the trial of Soering, Neaton said to Haysom, *"And you were testifying at a sentencing hearing in order to try to get yourself a light sentence, right?"*. Haysom replied, *"I asked for two life sentences, sir, at that sentencing, and I believe I deserved it, I did not want a light sentence."* Harding has not mentioned that Haysom said that. The sentence that Haysom asked the judge to impose is a matter of record and could easily be checked. The Governor may give Harding the benefit of doubt and conclude that Harding is not aware of her request for two life sentences when he claims a plea bargain took place. On the other hand, he may take a look at the "Press Pack" submitted by Harding. In that document Harding has included page 152 of Haysom's trial testimony of 06/14/90, the very page that records Haysom telling Neaton she asked for two life sentences. Harding included page 152 to highlight a question she was asked and her reply. The question and answer that Harding was highlighting is the very next question after Haysom's response saying she asked for two life sentences. Harding must have seen her reply and could easily have checked its veracity. Harding's claim that a plea agreement was done, and that it induced her to lie, is almost dishonest and Harding should not give this information to the Governor when it is clearly not what happened.

A final point has to be made about the accusation that a plea agreement was worked out. Harding appears to be in regular contact with Rosenfield. Rosenfield knows that Haysom received no inducement to testify in Soering's trial because he tried to "sell" her testimony to Updike in return for her early release and was refused. Updike would offer no deals so Rosenfield approached the Soering legal team. He offered them an opportunity to talk to Haysom in return for a sum of money. Does Harding not know any of this?

Haysom's alleged confession again

Harding – "8) She confessed to the killings."

Haysom did confess, she confessed to conspiring with Soering to kill the Haysoms and to creating an alibi for Soering in Washington while he killed them. Soering made the very same confessions. Her confession made her a

principal in the crimes. Haysom did not confess to being at the crime scene. Her comment, quoted earlier by Harding, was not a confession to being at the crime scene at all. Soering did confess to being at the crime scene, in great detail, repeatedly.

Haysom's fingerprints

Harding – “9) Her fingerprints were found on a vodka bottle which bottle near her father's body. This bottle was located away from the other liquor bottles.”

Once again Harding is using a true fact completely out of context. Harding must know these prints are of no value in establishing whether Haysom was or was not at the crime scene. Because Haysom lived at Loose Chippings when she was not at UVA, finding her fingerprints in the home would not be of great value unless the fingerprints had been in blood, or they were on a weapon or an item that wasn't in the scene before the murders. The same would have applied if Soering's fingerprints had been found there, unless his prints were in the blood, because he too had visited Loose Chippings previously. Finding Haysom's prints in the scene is a fact that the jury would be told about (and I believe they were) but it doesn't take the enquiry any further.

Harding's comment on Updike

Harding – “Updike avoided discussing motive in his initial closing argument, but raised it in his rebuttal closing.”

Because Updike didn't mention motive in his closing argument doesn't mean that he “avoided” it.

Harding – “He argued that E. Haysom hated her parents and got Jens to do the killings.” Motive for killing them, it was not sexual assault, it was not robbery, it wasn't monetary, it was pure hatred and revenge.” Tr. Transcript pg. 209 He also argued that you could see “how this was building up in him over a period of time, by virtue of his writings.” Tr.

Transcript pgs. 209-211 of Rebuttal. Updike's argument was misleading and fictitious."

Is Harding really saying that Updike made up the facts he gave to the jury? It seems that he is.

Soering's hatred towards the Haysoms

Harding – "First, the period of time was a mere three months that Haysom and Soering were dating"

Those three months were more than enough time for Soering to form a deep hatred of the Haysoms. A fact that he admitted himself. As an example of how quickly Soering can form intense feelings for someone - he only needed a few days to "fall in love" with a girl when he was on holiday in Mexico. It must have seemed quite intense to him because he stated that several months later, because of his perceived love for this girl, he got drunk at UVA and attacked his fellow students. Soering also said that he had feelings of anger and resentment within him long before he met Elizabeth Haysom. He said those feelings, added to the feelings from his relationship with Haysom, all came out together during his argument at Loose Chippings. The period of time that Haysom and Soering knew each other fails to support Harding's accusation that Updike was "misleading and fictitious".

Harding – "and second, no such writings purported to have mentioned any hatred toward the parents."

Is Harding sure about that? Has he actually checked the letters written between Haysom and Soering?

Harding – "Third, no evidence whatsoever was admitted into evidence, that I could find, showing Soering hated the Haysoms."

A plethora of evidence of Soering's hatred for the Haysoms was admitted into evidence during the Soering trial. I'm not sure why Harding says he couldn't find any. There's evidence of hatred in Soering's letters, in his interview comments to us investigators and to the German prosecutor. Soering said he

felt hatred, anger and resentment towards the victims. During interviews Soering described in detail his feelings of hatred towards the Haysoms. He also said that his feelings of hatred went back a long time before he met Elizabeth Haysom. All of this was entered into evidence. Again, Harding has failed to support his accusation that Updike was “misleading and fictitious”.

Soering’s temper

Harding – “Fourth, no evidence was admitted showing that Soering had a temper or showed rage at any time.”

This statement is also incorrect. Evidence of rage and temper was admitted at Soering’s trial. Soering himself said during interviews that when he came away from the wall, after being pushed by Derek Haysom, he was filled with a tremendous rage. He said so repeatedly. Soering told us investigators, and also the German prosecutor, that once he had attacked his fellow students at UVA. When asked about his temper Soering told that he certainly had the genes for it, referring to his father. There’s nothing “misleading and fictitious” in what Updike said about Soering’s temper.

Reid’s comments regarding Soering’s physical capabilities

Harding – “Chuck Reid, one of the original lead investigators, said his instincts told him there was no way that this meek kid could have carried out such brutal murders.”

Reid’s recollections of his instincts have changed considerably over the years. For many years he did think that Soering had committed the murders and said so in TV programmes. What’s more, the “meek kid” was the same size and weight as Derek Haysom, larger than Nancy Haysom, he lifted weights, and was much, much younger than both. Harding should know that whether you accept Reid’s old opinions or his recent ones, they are not evidence.

FBI offender profiling

Harding – “In addition, it is undisputed, except by Ricky Gardner, that Ed Sulzbach was a Special Agent of the F.B.I. called to the crime scene; that he authored a suspect profile; and that he told documentary filmmakers that he considered E. Haysom the likeliest killer. (“I settled on her daughter,” Exhibit 13.)”

There is so much misleading information here it’s difficult to know where to start. Sulzbach was not “called to the crime scene” as Harding implies. He may have visited the crime scene, hopefully after the forensic work was finished. And the existence of a criminal profile is definitely disputed. No profile has been produced because one was not done. Sulzbach did not “author” a profile and the FBI have no records of a profile. Some notes written by Sulzbach have apparently turned up recently and they were apparently found in Reid’s garage at his home address. Why did Reid have them at home? Why didn’t he hand them in when he left the Sheriff’s Office? No wonder Gardner didn’t know about them. And why have those notes not been produced now they have come to light? The originals of those notes should be returned to Bedford County Sheriff’s Office where they belong. Gardner could then complete any necessary enquiries that the notes generate.

Apparently Sulzbach told film makers that he considered E. Haysom as the likeliest killer saying, “I settled on her daughter,”. This is just not true, he did not. And why, if Sulzbach “settled on the daughter”, would Updike write a letter to the attorney of another suspect (not being Haysom), quoting Sulzbach to justify asking for physical evidence from her? Updike wrote that Sulzbach “stated that the suspect was a female and knew the victims”. If Sulzbach had named Elizabeth Haysom as the suspect, Updike wouldn’t use the Sulzbach statement (which is not a written profile) in a letter to an attorney attempting to obtain footprints from that attorney’s client. Sulzbach never “settled on the daughter”, even if he later said that he did. In his press conferences, Harding has claimed the existence of an offender profile written by Sulzbach, and he has given the impression that Haysom is named. This is simply not true. If Haysom was named as a suspect in the Sulzbach notes that remained hidden in Reid’s garage for over thirty years I think Harding would have made them public by now.

Harding – “In a letter Updike wrote another suspect’s attorney dated June 18, 1985, he refers to a statement he has included that he could use to aid getting a search warrant. The statement says “Special Agent Edward F. Sulzbach of the F.B.I. who is trained in the field of compiling profiles of criminal suspects viewed the scene and the evidence gathered during this investigation and stated that the suspect was a female and knew the victims.”

Notice that Updike did not say that there was a written profile, only that Sulzbach “stated that”. But this whole issue about a profile, about Sulzbach, and about the Updike letter is misleading. Harding acknowledges that Updike’s letter referred to “another” suspect. As already said, Sulzbach did not “settle on the daughter” at all. And Updike’s letter was written to an attorney who represented an innocent local woman who was briefly a suspect until she was eliminated. Updike’s letter, and Sulzbach’s verbal statement, never mentioned Elizabeth Haysom.

Harding has written to the Governor of Virginia, and he says, *“In addition, it is undisputed, except by Ricky Gardner, that Ed Sulzbach was a Special Agent of the F.B.I. called to the crime scene; that he authored a suspect profile;”* Harding is telling the Governor that it is undisputed that there is an offender profile somewhere when there is no evidence that a profile was ever written. Gardner has always said that he has never seen an offender profile, which Harding chooses to disbelieve. But the most worrying thing for me is that a serving Sheriff is presenting the facts to the Governor in such a way that there definitely was a profile, and in such a way that implies that Sulzbach named Elizabeth Haysom. Harding has seen Updike’s letter. He knows that the Updike letter and Sulzbach were referring to Mary Fontaine Harris as the suspect. Yet Harding has not told the Governor that fact. This appears to be a deliberate attempt to mislead the Governor.

Alleged perjury by Haysom

Harding – “I recently interviewed Carlos Santos, who covered the trial as a reporter for the Richmond Times Dispatch. I also recently spoke to reporter Frank Green, another reporter with the Richmond Times Dispatch. Both told me that, in interviewing E. Haysom in the years

following the trial, she had admitted to committing perjury at Jens Soering's trial. She admitted to them that her mother had been sexually abusing her for years prior to the murders. E. Haysom has never been prosecuted for perjury."

Without an explanation from Haysom none of us know what behaviour Haysom was describing when she gave her answers in court. To be accurate, Harding should say that Haysom admitted to the reporters that her mother had abused her, and not that she admitted to perjury. Although I'm not qualified in Virginia law, I think it's highly unlikely that there is sufficient evidence to convict Haysom for perjury. Haysom testified that she was not sexually abused. On another occasion she said her mother was "aggressively affectionate". Apparently, she has now told reporters that she was sexually abused, but as far as I know, not in an affidavit or on oath. What she told the reporters is unlikely to secure a conviction for perjury and Harding should know that. Even if she now testified on oath that her mother did sexually abuse her, I think it would still be difficult to convict her of perjury. A lawyer could say that when she originally testified, she didn't consider her mother's conduct to be sexual abuse, but she has now realised that it was. It's a ridiculous notion to suggest that Haysom should be tried for perjury.

Soering testified that he asked for a legal representative which is a blatant lie. Should we now try him for perjury too?

Letters between Haysom and Soering

Harding briefly mentions the letters written between Haysom and Soering prior to the murders. He does not consider them of any great significance. He chooses to ignore the comments made by Soering:

"You know that certain "instrument" for a certain "operation" on somebody's relatives?"

"By the way, were I to meet your parents, I have the "ultimate" "weapon". Strange things are happening within me. I'm turning more and more into a Christ-figure (a small imitation, anyway), I think. I

believe I would either make them completely lose their wits, get heart-attacks or they would become lovers (in an agape kind of way) of the rest of the world.”

“If I repeat this some more, will get out of SRAPON –love is a form of meditation. And the ultimate “weapon” “against” your parents. My God, how I’ve got the dinner scene planned out. Unfortunate (for you) results: everything I have, am, or could be is already yours. I mean that too.”

“I don’t know if I can resist this. I can see myself depriving people of their property quite easily – your dad, for instance. Even more easily can I see myself depriving many souls (if they exist) of their physical bodies (which might not exist, either) in the course of fulfilling my many, many excessively bizarre sexual fantasies caused by, I believe, one thirteen year old girl striking me once quite viciously with her riding crop from atop a horse in a German summer camp when I was about to turn ten – immediately before coming to America, that is. Fascinating SRAPON – it’s so tempting to SRAPONize! I’m doing it now though I find it excusable here (at least this part)! The ultimate SRAPON would be, of course to fulfil those fantasies.) Anyway, it’s not like this hasn’t been done before – it’s been going on for thousands of years.”

“To your actual letter: The fact that there have been many burglaries in the area opens the possibility for another one with the same general circumstances, only this time the unfortunate owners ...”

“I’ve felt this, I’m feeling it now inside me, this need to plant one’s foot in somebodies face, to always crush (thank you, Orwell, for that metaphor you borrowed). And the only explanation I have for it is that in everybody’s past there is some sort of girl with a riding crop, some initial stimulus that releases the reflex to strike back, to end the pain by destroying what is causing it – a hopeless enterprise, for not only does the reflex unleash more pain in general and is inherently injurious at some point. In some way, something will make us strike back, for if we

do not, we will die: And though through death we may simply realize our constant though (when we are manifested as individuals) sometimes hidden connection to some cosmic life force, individual manifestation of such a life force is to insure it's own individual survival when threatened, when in pain – to pull that gun, as Goetz did, and blow the motherfuckers away. This is the big horror, the taste you have in your mouth when you wake up in the morning: The taste of death, of your ubiquitous enemy's blood that you drank in your sleep and that you drink every night. Civilization whether in the form of mouthwash or taboos will try to remove that taste of and/or for blood, but when we wake up every morning, it is there. And it is real. There are cemeteries full of them."

"But, on the other hand, I do feel horror at this thought – why? It indicates one of 2 things to me: a) I have not accepted my true nature and am under society's influence in the form of a taboo or b) There is that other side that Watts speaks of, that deep-seated recognition that I am not only my brother's keeper, I am my brother, and everyone and everything else, including and maybe especially those I gun down, in some form or another. I have not explored the side of me that wishes to crush to any real extent -- I have yet to kill, possibly the ultimate act of crushing, with the possible exception of sex, which, all of Freud's detractors to the contrary, I feel is somehow centrally connected with this death side, even if only because it perpetuates physical existence (and least sometimes) and, hence, the pain. "

All of these comments could be the ramblings of a teenager going through an identity crisis. They could be ignored in most circumstances, except for one fact – the Haysoms were murdered soon afterwards.

Soering explains his letter by saying *"I had merely been trying to life [he probably meant "lift"] my depression by having a little fun. The first few pages were an experiment with a stream-of-consciousness technique, where I scribbled down every thought fragment that entered my mind without organizing or editing anything -- the crazier, the better."* This may be a valid explanation, but the fact is that he was having these thoughts, he says so himself.

Soering also says that not all of his letter was an experiment. He says, “Soon after the stream-of-consciousness experiment, however, my depressed mood reasserted itself. I proceeded to wallow in self hatred by means of a Selbstgespräch, a written conversation with myself about my many terrible failings.” He also says, “*The remaining thirty or so pages of my diary-letters contained no further stylistic experiments of this type, but thematically they never strayed far from such insecure navel-gazing.*” Again, he is telling us that what he wrote were the thoughts he was having.

“But typing -- or, more generally, writing -- is what I do. It is through the written word that I explain myself to myself and to others; it is the lens through which I view the world and through which I project myself onto the world. And typing up everything I write, even the self-obsessed ruminations of the diary-letters, is simply a manifestation of my need to organize my thoughts neatly.”

When I read Soering’s letters in April 1986, I didn’t know that the Haysoms were dead. Yet I thought the comments in his letter were suspicious, but Harding, knowing that the Haysoms were murdered, attaches no significance to them. Why is that? It’s all evidence and he should have told the Governor about it.

But there is also something glaringly missing from Harding’s opinions. What about the joint diary written by Haysom and Soering after they left the US? Harding doesn’t even mention it. You must wonder ... why not? There is a significant piece of evidence in that joint diary. It was because of an entry in that diary, about Soering’s fingerprints on a coffee mug, that gives a reason why Haysom and Soering fled the US and that gave rise to my involvement in this enquiry.

The DNA evidence

Harding goes on to talk about the 2009 DNA evidence. I don’t intend to go into detail here because I’ve done that elsewhere in this report. All I need to emphasize is that the 2009 DFS report eliminated Soering as a contributor to DNA recovered, DNA that is almost certainly from the victims. Soering **is not eliminated** as a source of any **blood** at the crime scene.

Harding's "theory" about the murders

Harding then makes up a possible scenario which he calls "My Theory".

Harding says - *"Based on the evidence I reviewed and the recent DNA findings, I feel that E. Haysom was at her parents' home at the time of the murders and was assisted by two men. These two men accidentally left their blood behind at the murder scene. The DNA is representative of each of these men. They are there, I cannot see their faces, but they are present. I do not see the face of Jens Soering because there is nothing from him in the crime scene."* When I read this comment, rather than Harding's "theory", it sounded to me more like he was looking into a crystal ball or having some kind of séance. Generally, police work isn't about feelings you have that originate from reviewing the evidence, it's about what the evidence proves or disproves.

Psychiatric diagnosis

Harding – *"The psychologist that tested her shortly after her arrest concluded she showed signs of suffering from borderline personality disorder, a serious and detrimental mental illness."*

Haysom was not "tested" by a "psychologist" at any time, and neither was Soering. Perhaps Harding means psychiatrist? If so, it was Soering's family that commissioned the UK psychiatrists that examined Soering. They also interviewed Haysom (but she was not "tested", diagnosed or examined because she was not their patient), but have no doubt, they were employed by the Soering's to speak out in favour of Soering. They were not court appointed as Soering lies in his book. The psychiatrist's found that Soering *"was suffering from such an abnormality of mind (arising from disease of the mind) as to substantially impair his mental responsibility for his acts."* But Harding says that in relation to Haysom they *"concluded she showed signs of suffering from borderline personality disorder, a serious and detrimental mental illness."* This is not true, not one word of this statement was made about Haysom in Hamilton's report. Even if it was, to say "she showed signs" is not a diagnosis. The psychiatrists use the term "showed signs of" when talking about Haysom, but when they were much more definite when diagnosing Soering saying he

“was suffering from an abnormality of mind (arising from a disease of the mind)”.

After his arrest in the UK, two psychiatrists assessed Soering. Hamilton was one, and Bullard was the other. I’ve seen a copy of Hamilton’s diagnosis of Soering. He did not diagnose Haysom, and certainly did not say she was suffering from “borderline personality disorder, a serious and detrimental mental illness”. So, where has Harding got this quotation from? I’ve never seen Bullard’s diagnosis of Soering, but I very much doubt that in it she will have made a diagnosis of Haysom because Haysom was not her patient. Bullard’s report was discussed in Soering’s UK appeals against court decisions on extradition. The appeal judges quoted part of Bullard’s report and her diagnosis of Soering was identical to that of Hamilton. There was no mention of Haysom.

Haysom’s drug abuse

Harding – “She had friends in the drug culture that she had developed over the years of living in Virginia. Jens Soering was not a drug user and had only moved to Virginia to go to UVA in the fall of 1984 – just 7 months before the murders. It is highly unlikely he would have had relationships with two men strong enough to get them involved in this crime of hate (nothing stolen and overkill attack style).”

Not only is this statement by Harding factually incorrect, it’s also very misleading. He says, *“She had friends in the drug culture that she had developed over the years of living in Virginia.”* He gives the impression that she spent much of her life there giving her time to build up these fictitious friends in the drug culture. That is not the case. The Haysoms didn’t move to Virginia until 1982 and at that time Elizabeth Haysom was not living at home with them. For some time, the Haysoms maintained two homes, one in Nova Scotia and one in Virginia. Elizabeth Haysom only spent school holidays with her parents and not always in Virginia. She was still in school in England until June 1983. From there she went travelling around Europe. She arrived in Virginia to live with her parents on a permanent basis just before Christmas 1983. In August 1984 she started at UVA. When you work it out Elizabeth Haysom had been in the Lynchburg area for less than a year - to be more precise, slightly

longer than eight months. The nonsense that Harding suggests, that Haysom had friends in the drug culture “that she had developed over the years of living in Virginia” is simply not true. I sometimes wonder if Harding researches any of his assertions before writing them down and passing them to the Governor as if they are matters of fact.

Harding’s supplementary letter

Harding’s recap on the DNA evidence

Harding does not add much in his second letter, but there are some claims that are just not true and need correcting.

Harding recaps on what he claims the 2009 DFS DNA report says:

“Still there were people who questioned the results, so this month, Rosenfield reached out to yet another DNA expert to review the findings: J. Thomas McCintock, Ph.D. a nationally recognized expert in serology and DNA. He reached the same conclusions as did Dr. Moses Schanfield back in May. Soering’s DNA has not been detected at the crime scene, and there are two unidentified males leaving AB and O blood behind. Schanfield and McClintock independently concluded that the AB type blood (23K#1 on the kitchen counter top and 7FE#1 on the front door threshold) from this male contributor is not a mixture. The O blood (6FE) on the door handle is not Soering’s which contradicts the prosecutors theory presented to the jury in his 1990 trial, but is another male with type O blood.”

It’s only right that there are people who question the DNA results. We should all question all of the evidence to make sure that everything is fully understood. But the questions “people” ask are not about the DNA results, which speak very clearly for themselves. They are questions about Soering’s, Harding’s, and Schanfield’s false interpretation of the results. Once again, Harding and the others switch the word “blood” for the term “DNA”.

We must also be very careful of accepting what Harding claims McClintock has concluded. Because what McClintock did conclude is not what Harding claims.

I'll reproduce McClintock's conclusions on the DNA evidence so that you can see for yourself:

Interpretation of the DNA Test Results from the Certificate of Analysis Dated September 24, 2009

The partial DNA profiles generated from Items 6FE, 7FE#1, and 23K#1 further support the conclusion that these samples contain one contributor or from a single source – not a mixture. Partial profiles are obtained when alleles (DNA from each parent presented as a numerical value such as 11, 14) are not observed at various loci (sites or markers on the DNA strand) that were tested. For example, the Powerplex 16 BIO system analyses 16 loci and in this instance only 5 loci showed an allelic profile at 23K#1. All three (3) samples were determined to be of male origin (the gender determination is associated with the Amelogenin (Amel) gene with all three samples showing a “XY” profile which constitutes a male).

It should be noted that in some instances, these samples (discussed above) reveal an allelic profile at certain loci that is designated as a single numerical value (i.e., Item 6FE at the D5S818 locus is a “12”). This “12” is an abbreviation for “12 12”. Basic genetics has shown that we receive one allele from each parent at all loci; however, when the alleles are identical (i.e., 12 12) DNA analyst will abbreviate the profile as a “12.” This individual is considered to be a homozygote (meaning the same) at that locus whereas, an individual with a 17, 18 allelic profile at a given locus would be considered a heterozygote (meaning different).

Note: The terminology used by McClintock when he describes Items 6FE, 7FE#1 and 23K#1 is different to that used by the Virginia DFS. McClintock calls them all “partial DNA profiles”. The terminology used by the DFS in their reports on all cases is guided by agreed protocols. The DNA data for Item 6FE is linked to data for seven other Items which they described collectively as “DNA profiles”. The data for Item 7FE#1 is not considered a “partial profile” by the DFS who describe it as “DNA types of no value”, and likewise, Item 23K#1 data is described as “limited DNA types”. These are subtle differences, but these people are scientists and need to be as precise as possible.

Look carefully at what McClintock has said. Not once has he referred to any “blood”. He restricted his comments about blood to his previous section on the interpretation of the serology test results. And when stating his interpretation of the serology results, he has not used the term “DNA”. The reason for that is because McClintock knows that blood and DNA are not the same thing. Therefore, he split his conclusions into a serology section and a DNA section.

When McClintock gave his interpretation of the serology evidence, he only made three observations:

1. 23K#1 is type AB and is not a mixture
2. 7FE#1 is type AB and is not a mixture
3. 6FE is type O and is not a mixture

McClintock said that blood types A and B mixed together do not result in type AB blood. Then he said that Items 23K#1, 7FE#1 and 6FE were not mixtures (of blood). That’s all he has said on serology.

McClintock’s conclusions about what the DNA results show are not clear from his letter. When he says, “*The partial DNA profiles generated from Items 6FE, 7FE#1, and 23K#1 further support the conclusion that these samples contain one contributor or from a single source – not a mixture*”, is he talking about a mixture of blood, a mixture of DNA or a mixture of blood and DNA? It would be a very bold statement for him to say that he is confident there is no mixture of DNA present. Bearing in mind that the data for two of the three Items shows “DNA types of no value” and “limited DNA types”. Of course, when you read McClintock’s letter you can see for yourself that he doesn’t say that there is no mixture of DNA. No one has suggested a mixture of two blood types resulting in a different blood type, but a mixture of DNA from two or more contributors is a very real prospect in this case.

Notice that McClintock uses the term “samples”. This is also inaccurate terminology in these circumstances. The DNA tests of 2009 were not done on original samples, they were done on the remnants of 24-year-old swabs of original samples. Do not think that Items 6FE, 7FE#1 and 23K#1 are blood samples, they are not.

To be absolutely clear, Items 6FE, 7FE#1 and 23K#1 are swabs. In 1985 these swabs were rubbed against stains that were thought to be blood. The swabs were then tested, human blood was detected, and blood types were determined. It is not known what else was collected on the swabs or what was

deposited on them during examinations and storage over the following 24 years. In 2009 these same swabs were tested for traces of DNA.

You should also notice that nowhere has McClintock said that he *“reached the same conclusions as did Dr. Moses Schanfield back in May. Soering’s DNA has not been detected at the crime scene, and there are two unidentified males leaving AB and O blood behind.”* Harding says he has, but it just isn’t so. McClintock hasn’t said that none of Soering’s DNA was detected, and he didn’t say anything about any “unidentified males”. These claims by Harding are not true.

Harding’s “investigation”

“Much of the additional work Hudson and I have done on this case, we have decided not to write about at this point, due to the ongoing nature of the investigation. I will say that none of it has been hugely successful in identifying additional evidence, in my opinion for reasons stated above.”

Harding refers to his support for the Soering petition as an ongoing “investigation”. His work is not an investigation because of the limited sources of his information he has used. He hasn’t examined all of the evidence and he hasn’t spoken to all of the witnesses.

Surely the results of a true investigation would be open for all to see, and yet Harding doesn’t seem to have supplied anyone with copies of the notes made by FBI Agent Sulzbach. Notes that were apparently found in Reid’s garage at his home. Those notes should not have been in Reid’s garage in the first place, and definitely not for thirty plus years. And once Harding became aware of them, as a serving sheriff he should have supplied them to the current Commonwealth’s Attorney for Bedford County. As far as I know he has not done so. In press conferences Harding suggests that those notes would have been exculpatory in Soering’s trial. Is Harding now withholding them from the prosecutor and courts? I’m assuming that the notes do exist, and I point out that no matter where they were found, or who had possession of them, they are not the property of Reid, Soering, Rosenfield or Harding. Those notes should be given to the Sheriff’s Office, to the current Commonwealth’s Attorney or to the FBI.

Harding says he and Hudson haven't had much success in identifying additional evidence "*for reasons stated above*". What he "stated above" was that Sheriff Brown and Major Gardner haven't met with him. Is Harding really saying that he can't find any additional evidence because of Brown and Gardner?

Harding's conclusion

In Harding's letter he concludes:

"Based on my training and experience, almost every piece of evidence raised by the prosecution is subject to inaccuracies, unreliabilities, and scientific contradictions. The jury was misled in many places, and the lead defense lawyer was mentally ill and later disbarred. The result was that the defense counsel was mediocre at best. The jury was not aware of significant evidence contradicting the prosecution's case, and the defense failed to raise those contradictions."

The evidence submitted to the jury was not inaccurate, nor was it unreliable. It wasn't just a theory that Updike thought up. Neither were there any scientific contradictions. The jury heard and saw the evidence for themselves, including the alternative version of events from Soering and his many unfounded allegations. What Updike told the jury was what came from Soering himself. Now the Governor has to make an immensely important decision on this petition. Please don't base that decision on unreliable opinions that are riddled with inaccuracies.

Hudson's letter to the Governor

Hudson has declared his support for his former sheriff, and by doing so he adds his support to the Soering petition. He has repeated statements made by Harding that are supposed to be what DFS scientists and McClintock have said. Except that the DFS scientists and McClintock have not said what Harding, and now Hudson, say they have said. Having repeated these made-up statements, Hudson has then continued and given his opinion that Soering is innocent.

Hudson has also applied hindsight to the Haysom case and then passed judgement on the performance and abilities the original investigators. It's very obvious that Hudson thinks that the original investigators made mistakes. Yet Hudson himself has made several very basic errors. His opinions, given more than thirty years after the original investigation, lack credibility because he has not researched the case properly. If he had, he would not have made errors that could easily have been avoided.

Before talking about the errors that Hudson has made, we should consider what he says about the Bedford County Sheriff's Office murder enquiry.

Hudson's comments on Bedford County Sheriff's Office

Hudson: "With respect to a total overview of the investigation conducted by the Bedford Sheriff's Office I recognize that they had limited means, inexperienced investigators and little solid scientific testing that now renders their work unsupportable."

Hudson can say that Bedford County Sheriff's Office had limited means in 1985, but they didn't go it alone. Very sensibly they called in help from other law enforcement agencies. Some of their investigators may have been inexperienced, but Updike, who was giving direction to the investigation was not. The scientific testing that was available at that time was also used to its fullest. They even called in the latest laser machines looking for fingerprints and did as much as possible at the crime scene.

When Hudson says they had limited means, inexperience and little solid scientific testing, he is wrong. He applies 2017 standards to an enquiry carried

out in 1985. Limited means were bolstered by calling in help from Lynchburg and elsewhere. Inexperience of investigators was balanced by guidance from the Commonwealth Attorney, and the scientific testing that was done in 1985 is as correct today as it was back then. Thirty-two years later, Hudson passes judgement on the performance of investigators in 1985.

Hudson's comment that they had "*little solid scientific testing that now renders their work unsupportable*" doesn't make any sense at all. What does he mean? The "scientific testing" he refers to can't be the serology testing because that stands unaltered. According to Schanfield, the serology tests are unassailable. It can't be the crime scene work done by the Sheriff's Office investigators because that has not changed either, and Hudson himself relies upon the 1985 work done at the forensic lab and by the investigators when he claims the existence of unknown assailants. So, whose work is Hudson saying is now rendered unsupportable?

Whatever he means doesn't alter the fact that the scientific testing that was done back then was nothing to do with the experience or inexperience of the Sheriff's Office investigators. The crime scene evidence was submitted to the forensic laboratory for them to carry out whatever tests were necessary and the most up to date in 1985.

The Marriott Hotel

Hudson: "The Bedford Sheriff's Office staff had identified the excess mileage on the rental car within two weeks of the bodies being discovered, but neglected to send any investigators to the Key Bridge Marriott to interview staff or attempt to collect evidence related to the room service or charges for over a year after the homicides. By that time, the hotel staff couldn't identify who was in the room or when room service was delivered. Had that been done in April, 1985, we would know who was in the room when the food order was delivered. Both Jens and Elizabeth described ordering food from room service and described paying the person who delivered the order."

No one doubts that it's unfortunate that no enquiries were made at the Marriott Hotel soon after the murders. Hindsight tells us that mistakes were made, but the evidence available is all that we have, and we just have to work

with it. There is no justification for making guesses about what happened over thirty years ago. Evidence recovered from the hotel in 1986 does not confirm beyond doubt whether it was Haysom or Soering who stayed in Washington that night. In other words, there is no evidence that it was Soering who remained in DC. Whereas, evidence produced later at the trial of Soering, does support that Haysom stayed in DC.

Bedford investigators may have made mistakes years ago, but Hudson continues in the same vein, making his own mistakes today. Even though he has an advantage because he has had the benefit of seeing all of the 1985 evidence, and the evidence gathered since then, and this without any pressure or time constraints, yet he has still made mistakes. A perfect example of a very basic error by Hudson follows:

Hudson: "...but neglected to send any investigators to the Key Bridge Marriott.."

From Hudson's own introduction and further comments, we should be safe in assuming that Hudson himself is experienced, and that soon after the murders he would have gone to the Key Bridge Marriott Hotel and collected evidence. The problem is that he wouldn't have found any evidence there at all, because Haysom and Soering never stayed at the Key Bridge Marriott. They didn't check into that hotel; Hudson has named the wrong Marriott. He would have been on the wrong side of the Potomac. It's surprising that Hudson named the wrong hotel, because the hotel name and address is clearly printed on the hotel receipt submitted in evidence during Soering's trial. Perhaps he hasn't read the case papers quite as thoroughly as he suggests.

Immediately, it becomes evident that one can't accept what Hudson says without also checking the records to verify its accuracy. Hudson has spent over 250 hours on this case, and he didn't need to justify any probable cause conditions that the original investigators were under, and still he has made a schoolboy error. Unfortunately, in 1985 investigators didn't go to the Marriott Hotel in Georgetown, Washington DC, but that fact does not add or detract from the evidence that is available.

Hudson's comments on room service

Hudson: "Elizabeth's description of the order was completely out of line with the charge on the hotel records: the total charge that was retained in the Marriott records didn't support the amount of food and alcohol that Elizabeth said she ordered. Jens description of items he ordered was in line with hotel restaurant pricing. Only one room service order went to their room that day/night so that they couldn't both be right. Bedford bought Elizabeth's version."

Hudson is correct when he says that if the enquiries at the hotel had been made in April 1985, we might know who stayed in Washington and who didn't. But his argument about the price of food and drink ordered on room service is very suspect. It should not be a deciding factor on who stayed in Washington DC. Hudson is looking at the facts after thirty plus years. He says that what Haysom claimed is "completely out of line with the charge on the hotel records". Does Hudson have a 1985 price list from the Marriott Hotel? Perhaps he does (which is very unlikely), but if he has then he should produce that evidence to back up his claim. And Soering's description of what he says he ordered is in his book *Mortal Thoughts*, written ten years after the murders and after he has had full sight of all of the evidence in the case. He could say whatever he liked about the content of the room service knowing that it could not be checked.

Hudson doesn't say whether he thinks the room service charge seems too little, or too much, to fit with what Haysom claimed. Hudson says, "*the Marriott records didn't support the amount of food and alcohol that Elizabeth said she ordered.*" This comment makes me think that Hudson is saying that the room service charge is not high enough to support what Haysom said.

The hotel records submitted as evidence by Updike, and later by Soering, show two room service charges. The copy of the final Marriott receipt I have access to is quite faded. I can clearly see the amount of dollars charged but the amount of cents is not clear. I'll quote the amount of dollars charged and leave off the amount of cents. Anyone wanting to check the amount of cents charged can do so at Bedford Court House.

The charges listed for the Haysom room for March 30, (shown as "03/30" on the receipt) include a charge of \$2 (? cents), marked "% Phone", and another charge of \$37 (? cents), marked "RMSRV". Both of these charges are supported

by the alibi timeline written by Soering, Haysom and Kim. The charge for a telephone call, followed closely by the room service charge of \$37+ tends to confirm that this charge is for the Saturday evening room service. A further charge of \$14+, and marked "RMSRV" is shown after that, and was probably added at checkout. I assume that because it also fits in with the alibi timeline which records room service between 8am and 12 noon on Sunday, March 31st. Notice that this room service bill is considerably less than the previous one, almost one third of it.

Bearing in mind that the cost of a room, taxes and parking for one night in 1985 was \$95, a room service charge of \$37, almost half of the cost of a room, seems to support Haysom's claims perfectly well. The final room service charge was presumably for a breakfast type meal, and that charge was \$14+. A final point about the Saturday evening room service – anything other than a fleeting glance at what Haysom testified to will show that she didn't say what, or how much food she ordered. How then, can Hudson and Harding say that her order is out of line with the costs?

Hudson has told the Governor that if the enquiries had been made at the Marriott Hotel in 1985, we would know who stayed in Washington on March 30. Do we have any evidence that helps to establish who stayed in DC and who didn't?

Yes, there is something that Soering told us investigators in 1986. During interviews Soering said that after killing the Haysoms he returned to DC with no pants/trousers on. His comment was tape recorded. We investigators questioned this:

Beever: "That would mean that you arrived back at DC with no trousers on, wouldn't it?"

Soering: "Um ... Yea, there should be a video tape of the elevator in the Marriott that evening, which should show me without my trousers on because that's in fact ... what happened."

Soering wanted us to check the video footage from the Marriott Hotel to confirm what he was saying. He didn't know that investigators didn't have any video tapes from the hotel.

If Soering's confessions were true and he committed the murders, then videos would have confirmed that he did indeed arrive back at the Marriott late at night with no pants on. If Soering was giving a false confession, hotel video tapes would have shown that his confession was false, and yet he wanted us to check the tapes. Why would Soering draw our attention to hotel videos if they would disprove what he was saying? According to him now, he was lying but he wanted us to believe him. When Soering asked us to check the hotel videos he genuinely thought that we had access to those tape recordings.

Hudson's comparison of the Haysom and Soering confessions

Hudson: "There was a letter written by a Bedford County Sheriff's Office Official to block Soering's release/deportation to Germany to then Governor Bob McDonnell suggesting that the Soering and Elizabeth Haysom statements were "identical" regarding the murders of Derek and Nancy Haysom. There are very few similarities in the statements that I have read, except the fact that Derek and Nancy Haysom were brutally murdered and their throats were cut."

Hudson's statement appears to be another example of the phrase that has been used so often – "confirmation bias". When describing the events of March 30, 1985, Haysom and Soering told us the same story, but from their individual perspectives. So, of course there are some differences. Soering was able to give detailed and correct information about the crime scene, but he gave hardly any information about the alibi. He even said that he had removed his shoes when he went back into the crime scene.

Haysom didn't describe the crime scene at all and was specifically asked what Soering had told her. She told us what she said Soering had told her, which amounted to very little about the crime scene. She was able to tell us about the alibi, and there is documentary evidence that supports what she said. The statements made by Haysom and Soering in 1986 described the events of March 30, 1985 and were essentially the same. I have genuinely looked very hard to find any evidence that Haysom's account is wrong. I couldn't find any.

On the other hand, I've found that since 1990 Soering has lied constantly about almost everything.

Hudson's time spent on the Haysoms murder case

Hudson: "I estimate that I have spent over 250 hours investigating this case."

Hudson has written to the Governor of Virginia trying to influence his decision on a very important matter, after spending only 250 hours on the case. That might sound like a lot of hours to anyone who is not familiar with the huge volume of material in this case. But it is not. Trial transcripts and Suppression Hearing transcripts alone amount to many, many hours. A huge amount of paperwork has been generated and Hudson may have read it, but he can't have studied it all in just 250 hours. He says that he has read "[all publicly accessible evidence](#)", and in addition, he's interviewed Soering, Rosenfield, Ball, Marshall and Nance; and still had time to read the forensic reports and review hundreds of crime scene photographs, all in only 250 hours. That might sound like a lot of hours, but it is nowhere near enough.

Hudson's sources of information

Hudson: "I also conducted interviews of Steven Rosenfield, Attorney Gail Ball who represented Soering at several of his Parole hearings, Past Deputy Attorney General Gail Marshall who represented Soering in his Habeas Petition and his Repatriation efforts."

After telling us which documentary evidence he had "reviewed", Hudson has then said who he has interviewed. He's not going to get an unbiased account of events from listening only to Rosenfield, Ball, Marshall, and of course Soering. Why didn't he attempt to contact me and Ken Beever? We could have told him what really happened in 1986. Our contact details would have been very easy to find for a detective. When Watson wrote his letter to the Parole Board in September 2012, I was working in Quantico and Charlottesville. Watson wanted to reach out to me and asked Gardner to contact me. I told

Gardner I was willing to speak to Watson and that it was OK to pass on my contact details to him, but I never was contacted by Watson. Hudson could easily have found my contact details if he had tried, from Watson or Gardner, or elsewhere. Instead, Hudson has spoken to everyone who has been lied to by Soering without them realising it.

Hudson's reliance on Watson

Hudson: "Watson told me during his investigation, he could find no physical evidence to link Soering to the Haysom crime scene."

Why is Hudson relying on Watson? He should make his own enquiries.

Of course there is physical evidence that provides a link between Soering and the crime scene. Type O blood was found in the crime scene and Soering has type O blood. That is physical evidence. Soering confessed in great detail to us and later, when Soering was trying to give the German legal representatives a reason for them to try him in Germany, he confessed to the German prosecutor in even greater detail. What Soering said was put to the jury, as was the evidence that type O blood was found in the crime scene. The jury was also told that Soering has type O blood.

The jury could consider these facts along with the rest of the evidence, and they were entitled to reach a conclusion based on all of the evidence. Type O blood in the crime scene, found in the very same locations where Soering said he went, is physical evidence, and it does link Soering to the crime scene. I'm aware that type O blood is the commonest blood type in the US population, but how many of the thousands of other people with type O blood knew the Haysoms? Of those that did, how many of them hated the Haysoms as Soering said he did? If there are any left, how many of them were seen soon after the murders with bandaged fingers? And how many admitted to the murders in great detail?

Hudson's assessment that genetic evidence has been re-evaluated

Hudson: "Gardner went on to say that he was too busy to meet with us to discuss our findings and assessments of the genetic evidence that had been reevaluated and reclassified by the 2009 DNA testing."

The genetic evidence has not been "reevaluated and reclassified by the 2009 DNA testing". The serology report from 1985 stands unaltered, exactly as it was when it was written. The serology report was never a report on genetics. The DNA report is about genetics and it's a supplementary report, it does not contradict, re-evaluate or re-classify the previous serology report. Both reports provide valuable information, they are complementary reports and should be read together.

Hudson's comments on the DNA evidence

Hudson: "Prosecuting Attorney James Updike characterized some of the blood stains in the Haysom house in his arguments as "alien" blood. Mr Updike went on to suggest that the "alien" blood, specifically type O, belonged to Jens Soering. For reference purposes, Derek Haysom's blood type has been identified as Type A. Nancy Haysom's blood type has been identified as Type AB. Elizabeth Haysom's blood type has been identified as Type B, and Jens Soering's blood type has been identified as Type O. Obviously Nancy Haysom and Elizabeth Haysom would have an X,X chromosome in their DNA with Jens and Derek having the Y,X chromosome in their DNA."

Once again, blood types and DNA data have been incorrectly referred to as being synonymous. The 2009 DNA report does not say that there is evidence of a male with type AB blood. It doesn't even mention blood. There is no evidence that the DNA traces recovered came from blood. It is very possible that DNA traces were collected along with traces of blood in 1985. Or that the DNA from the tiniest traces of one blood contaminated another blood, or that DNA was deposited on the samples/swabs after they were collected. Hudson

begins by talking about blood types then switches seamlessly into a statement about DNA and chromosomes. He is incorrect in doing so. That's why the DFS scientists don't refer to blood and DNA in the same reports.

It's when talking about the forensic evidence that Hudson really starts to get things wrong. In 1985 many of the stains that were thought to be blood stains were swabbed. In most cases it was the swabs of the stains that were submitted to the laboratory; the original items were not blood samples. Traces of human blood were found to be present on many of the swabs. This is not surprising when you look at the extent of the injuries received by the victims. Five items are recorded as having traces of O type blood. One item was recorded as type A originally then type O later. Updike presented that evidence in court. He also told the jury that Soering's blood type is type O.

Where Hudson goes completely wrong is when he starts by talking about ABO blood types, and in the same sentence he switches to talking about X and Y chromosomes. The actual evidence is that in the 1985 serology tests, traces of type AB blood was found on some items/swabs. In 2009 DNA traces were recovered from the same swabs. It is not known what type of body cells the DNA originated from, and the 2009 tests do not tell us whether any blood was still present on the swabs when the DNA tests were done.

The scientists did not re-examine 42 blood stains in 2009: they carried out completely different tests on what was left of the original swabs looking for traces of DNA. The tests were done regardless of whether any blood remained on the swabs or not. They cannot say that DNA found came from blood. On many of the swabs, the blood that was once found on them had all been consumed in the serology testing. It is not true that *"the "alien" blood found on the inside handle of the screen door at the Front Entrance (labeled 6FE) of the Haysom house was found to eliminate Jens Soering as a contributor."* Soering has not been eliminated as a source of any blood.

In 2009 Bode and the DFS reported on DNA findings. From the DFS and Bode Technology tests it's not even possible to say that blood was present on the swabs from the door because their tests were not looking for blood, they were testing for traces of DNA. A door handle would be a location where one could expect to find traces of DNA regardless of any blood that was deposited on it. In this case Soering himself told us that Derek Haysom opened the door to him. He told us that he let himself out of the house and re-entered later. And we know that a whole list of males entered the crime scene after the dead bodies

were discovered. Finding miniscule traces of DNA with Y chromosomes is not a surprise.

Soering was eliminated as being a contributor to a DNA profile which is almost certainly that of Derek Haysom. He has not been eliminated as a source of type O blood.

Hudson's statement is definitely not true when he says that blood was "*scientifically identified (using ABO technology and DNA technology) as being type O blood with a Y chromosome.*" It's totally incorrect. The real evidence is that in 1985 it was established that Item 6FE had traces of type O blood on it, in 1989 it was confirmed that the traces of blood that were once on the swab had all been consumed, and in 2009 traces of DNA were recovered from what was left of the swab. No profile was developed from the DNA, but Y chromosomes were identified.

The 2009 test results do not determine that the DNA traces and the Y chromosome came from blood that was once on the swab. This is not my own opinion; if Hudson wants to be scientific then he will have to agree with what I'm saying. All that can be said about Item 6FE is that O type blood was found on it in 1985, and that 24 years later traces of DNA with a Y chromosome were found on it.

Talking about blood stains, Hudson says, "*it was contributed by a male and Jens Soering has been scientifically eliminated as the male contributing this blood stain.*" This statement is wrong again. The sex of the source of the blood is not known. In 1985 the blood found on the stain was type O, it could have been from a male or female. Jens Soering has type O blood and he has not been eliminated. Many years later a DNA profile was developed from the same swab, and it is almost certainly a DNA profile of Derek Haysom. Soering is eliminated from being a contributor to the DNA profile, not from being a source of any blood.

The same applies to Item 7FE#1. Because the "*result of those two examinations reveal this stain to have been contributed by a person with AB type blood and it also shows a Y chromosome*", does not mean that "*a male with AB(y) blood left that blood stain on the front entrance threshold.*" Hudson talks as if he thinks that the DNA tests were carried out on blood samples. They were not. What the two examinations do reveal is that in 1985 traces of type AB blood were

found on the swab, and in 2009 the same 24-year-old swab had traces of DNA on it containing a Y chromosome. That's all.

As far as I'm aware there is no such category in serology as type AB(y) blood. And in DNA forensic science blood types are never mentioned. Hudson has coined a new phrase, joining together serology science and DNA science resulting in categories of blood types that exist only in Hudson's mind. The test results do not show that the person whose type AB blood was found on Item 7FE#1 was a male. It simply means that the swabs picked up traces of type AB blood and also picked up traces of DNA with a Y chromosome. Not particularly surprising when you consider that Soering said that Derek Haysom opened the door to him, and Soering himself went in and out of the house more than once; and Bedford County deputies and investigators and a whole list of other males entered and exited the scene. Even more likely is that when the murder weapon was cutting through skin, muscle, cartilage, trachea, veins and arteries, microscopic cells from the male and female victim were attaching to the weapon and able to be washed off by dripping blood.

Hudson uses his newly invented scientific phrase of "AB(y)" again, saying, *"During the 2009 DNA analysis of the 42 items submitted in 1985, there was a stain found on the kitchen counter top that was identified to be AB(y)."* It was NOT identified as he says. The 1985 tests could not identify a Y chromosome, and the 2009 tests could not determine the blood type. Hudson uses his own interpretation of the DNA report to tell the Governor that a DFS test determined a result as being blood type AB(y). This is absolutely untrue. The 1985 and 2009 tests are completely different types of scientific tests. They are complementary but they are not interchangeable. Hudson is completely wrong.

When referring to Item 23K#1 I could repeat everything already said about the difference between blood and DNA. They are not the same thing. Hudson says, *"Using the information that has been scientifically substantiated, it is impossible for Jens Soering to have contributed the O type male blood located on the front door handle OR the AB type male blood at the front door threshold and on the kitchen counter top. This can only suggest that there are two unidentified male subjects bleeding in the Haysom crime scene."* This is nothing more than absolute rubbish. The scientific information does not make it impossible that Soering was the source of O type blood on the door. It does not suggest that there were two other males present at the crime scene.

Hudson thinks that there was one male with type O blood (Soering had type O blood and he has not been eliminated), and another with type AB blood (most likely blood from Nancy Haysom contaminated with DNA from a male). He needs to look more closely at the available evidence.

Hudson: "In 2009, there were approximately 50 genetic samples, 42 of which were blood stains, that had been collected from the Haysom crime scene in 1985 that were reexamined using DNA technology and not ABO Serology technology."

This is a good example of Hudson getting his forensic opinions all wrong. When DNA tests were carried out in 2009, what was tested was not "blood stains that had been collected". The 2009 tests were carried out on what remained of swabs of stains from 1985.

Hudson: "During the 2009 examination by Bode Technology (at the request of DFS from the files of state serologist Mary Jane Burton), the "alien" blood found on the inside handle of the screen door at the Front Entrance (labeled 6FE) of the Haysom house was found to eliminate Jens Soering as a contributor."

When giving results of tests on Item 6FE, the 1985 serology report specifically mentions Item 13FE in connection with it. The DFS report states that, "*Item #13FE- The stain under the area that was swabbed and submitted as Item #6FE is not blood.*" Nowhere in the record of the Items submitted and received at the DFS Lab does it state that Item 6FE was a swab of blood found on the inside door handle. Perhaps there is more information available in the scientist's working notes which I haven't seen. But looking at the lab submission paperwork and the serology results report, it seems that Item 6FE is not a swab from a door handle, unless there was a stain of unknown origin on the door handle underneath the swab of the stain that was submitted as Item 6FE. It is most likely that the swab referred to as Item 6FE was elsewhere on the screen door. Other Items were submitted that also came from the screen door and also had traces of type O blood thereon.

I can't say for sure because I don't have access to all of the forensic evidence, but Hudson appears to have got it wrong again when he talks about the inside

door handle, and he definitely got it wrong when he says that Soering was eliminated as a contributor to the blood on Item 6FE. The DFS said no such thing.

Hudson: "The blood was scientifically identified (using ABO technology and DNA technology) as being type O blood with a Y chromosome."

No matter how scientific Hudson tries to be, as soon as he uses the word "blood" in connection with the traces of DNA he is wrong. No amount of serology tests will ever identify any DNA or Y chromosomes. And no amount of forensic DNA testing will identify ABO blood types. The forensic DNA testing did not look at the loci that determine a person's blood type. Hudson's statement is absolutely wrong. If he said, "In 1985, traces of blood were found on the swabs of the stains. Those traces of blood were scientifically identified (using ABO technology) as being type O blood. In 2009, traces of DNA with Y chromosomes were found on the remains of the swabs (using DNA technology)", then Hudson's statement would be more correct.

All assumptions made by Hudson after his misunderstanding of the difference between blood and DNA are worthless opinions not backed by any science at all. The evidence does not mean that someone with type O blood other than Soering was present. It does not mean that Soering is "scientifically eliminated".

Hudson continues in the same vein, saying that results for Item 7FE#1 and 23K#1 prove there was another male present with type AB blood. Once more he is completely wrong. The test results prove no such thing. DNA from the Haysoms would be deposited around their home on a daily basis, easily collected on the swabs along with any traces of blood. Harding said that he and Hudson are struggling to find any further suspects. I think that if they look forever, they still won't find any further suspects.

Hudson: "There is no genetic or scientific evidence to connect Jens Soering to the Haysom crime scene. The discovery of the blood evidence described above completely undercuts the prosecutor's theory that Jens Soering was present at the crime and that he left his blood there. The scientific evidence now demonstrates that two unknown men left their blood at the crime scene."

It can't be ignored that type O blood was found in the crime scene, and it was found in exactly the locations where Soering said that he went. Soering has type O blood. Hudson describes the 2009 DNA tests as *"the discovery of the blood evidence"* saying it *"completely undercuts the prosecutor's theory that Jens Soering was present at the crime"*. The 2009 DNA tests are not "blood evidence" and they discovered absolutely nothing about blood. A whole range of possible scenarios might be thought of, but the last and most unlikely of all is that there were two more unknown men at the crime scene.

Hudson: "There has been speculation that mistakes were made in the 1985 analysis of the crime scene blood stains and some of the blood stains may be mixtures of more than one contributor. In 2017, Dr. Moses Schanfield, renowned serology and DNA expert at George Washington University School of Forensic Science (see Exhibit 65W) reviewed both the serology reports from the DFS and the DNA reports from Bode Technology and confirmed with scientific certainty that the blood stains at 7FE#1, 23K#1 and 6FE were neither mistakes in the ABO typing nor were they mixtures of any type."

The point that Hudson makes about mixtures of blood is an interesting one. As far as I know, the only person silly enough to suggest that type A blood mixed with type B blood would result in a positive test result for type AB blood is Jens Soering in his book *Mortal Thoughts*. A mixture of DNA from two or more contributors is an entirely different issue and is absolutely possible, and in this case it's also very likely.

Furthermore, the scientist's results fall well short of a "scientific certainty" that **blood** identified on Items 7FE#1, 23K#1 and 6FE were not mixtures of **blood** because there is no subtyping data available for any of those Items. Hudson could say there is "no evidence of a mixture" and be correct, but there is no evidence that there was no mixture either. It's far from a scientific certainty. But a mixture of DNA is very likely. The DFS results do not indicate that there are two unknown males who left this evidence behind.

Hudson: "These three samples that were left were that of two different male contributors; neither of them being Jens Soering or Derek Haysom."

For all the reasons already discussed, wrong again, Hudson. The blood traces found on 7FE#1 and 23K#1 are most likely from Nancy Haysom with some DNA from Derek Haysom. The blood traces on Item 6FE are from a male with type O blood and Soering is not eliminated, and the DNA is most likely from Derek Haysom.

In September, 2017, Dr. J. Thomas McClintock of DNA Diagnostics, Inc. reviewed the materials considered by Dr. Schanfield and compared those materials with the ABO typing supplied by DFS and the DNA analysis provided by BODE Technology. McClintock concurs that there are unknown male contributions of the blood stains at 7FE#1, 23K#1 and 6FE.”

Here Hudson has gone way beyond his own opinions and is telling the Governor, quite specifically, that McClintock has concurred that there were two unidentified males present and bleeding in the crime scene. McClintock's letter is accessible on the internet and I've read it. You will find that in his letter to the Governor, McClintock has not concurred with anyone that there are unknown male contributors. Even if he has said so later, embellishing his findings in TV interviews, in his letter he didn't even mention any "unknown males".

Perhaps Hudson and Harding should get together and read McClintock's letter again because they both make this false claim. No matter how many times McClintock's letter is read, in it he has not concurred that two unknown males left blood stains in the crime scene. I can't find another way to say this other than this is a lie. In his letter McClintock just does not say what Hudson and Harding say he has said. You need only to look at the letter for confirmation of this.

Hudson's comment that critical evidence was never presented

Hudson: "There is evidence that is critical to the case that was never presented by the prosecution or the defense. It may be that the

prosecution didn't want to introduce it and the defense didn't recognize the importance of it."

I don't know what the evidence "critical to the case" is that Hudson refers to because he doesn't specify what he is talking about. It must be evidence that was available in 1990 because he talks about the prosecution and the defense, so it can't be the DNA report or the affidavit from Buchanan. What is this critical evidence? Is Hudson talking about the imaginary suspect/offender profile that was never written? Or is he talking about the names of Shifflett and Albright being withheld when in fact their names were supplied to Soering well before the trial?

If Hudson thinks that there is critical evidence that should have been presented during the trial in 1990 then he should say what that evidence is. He shouldn't state that evidence exists and not say what it is.

Hudson's comment that there are discrepancies between the statements of Haysom and Soering

Hudson: "I believe the discrepancies in the statements are easily explained. The statements made by Elizabeth Haysom are lies and the statements made by Jens Soering are inaccurate because he wasn't present in the Haysom house at the time the murders took place."

According to Hudson, Haysom has to be lying and Soering is not. A common phrase used by Hudson, Harding and Rosenfield is "confirmation bias". Here we have a perfect example. No more needs to be said about Hudson's guess at what happened in 1985.

Hudson: "It appears to me that once they obtained a confession from Soering (as unreliable as it was) and incriminating statements from Elizabeth, they stopped investigating the case. This happens sometimes with law enforcement and is seen as confirmation bias; looking only for evidence to support one theory."

It seems that a side effect of confirmation bias is that when one accuses others of being biased that then opens the door to go ahead and give one's own confirmation bias with impunity. Hudson has done so. After receiving confessions from Soering on the first day of his interviews on June 5, 1985, we continued to interview him at his request for a further three days. We didn't stop investigating. Of course, Hudson probably believes Soering's current lie that he didn't confess until June 8, 1985.

When Haysom and Soering were remanded back into police custody to accommodate interviews about the murders their detention was subject to the laws of the UK. Specifically, they were subject to the Police and Criminal Evidence Act 1984. This Act places very strict time constraints on any investigation and they must be complied with, as they were in this case. We began interviewing Soering soon after his arrival at the police station and over the next few days he kept asking to be interviewed again and again. We also had to fit his interviews in with those of Haysom and with further interviews of both of them regarding fraud offences.

Soering began confessing on the first day, and every day thereafter. Hudson says that it appears to him that once Soering confessed we stopped investigating. He adds to this that incriminating statements made by Haysom also contributed to us ceasing to investigate. Hudson couldn't be further from the truth. We had no incriminating statements from Haysom until after Soering had finished confessing, and Haysom didn't confess until the fourth day. We continued to investigate the murders, and the frauds, on Thursday, Friday, Saturday and Sunday. The final interview of Soering ended and he was returned to his cell at 9.15pm on June 8. Haysom made her incriminating statements after that.

The interview when Haysom confessed began at 11.15pm of June 8 and continued past midnight into June 9. She then asked to be interviewed again and that short interview ended at 2.15am of June 9. That was only 7¾ hours before she was to be presented back to the court and she was also supposed to be allowed an 8-hour sleep period and refreshments during that period too. Hudson just has no idea of what he is talking about. But all of this information was introduced at Soering's trial. When Hudson was spending his 250 hours working on this case you would think he would have seen it.

Alleged “coincidental encounter”

Hudson: “... she is walking down the street in Georgetown at 2:00 a.m. and coincidentally encounters Jens driving up the street she happens to be walking on, in the rental car, and wrapped only in a bloody bed sheet.”

Haysom did not say she was walking down the street and she saw Soering by chance, and neither did Soering. Neither of them described their meeting as a coincidental encounter. Haysom said she was waiting for him as they had arranged. Soering said he drove along the road looking for her as arranged. Strange though, Harding also made this same point.

Hudson on luminol

Hudson: “Every other time luminol was employed at the crime scene to determine blood staining or residue it was successful, both outside the Haysom house and also in the shower in the bathroom.”

Not true again. A knife from the dining room table, Item 23DR, produced a “false positive” result to luminol. There was a reaction to the luminol, but no blood was detected. Watson specifically uses the shower as an example. Item 13B from the shower actually produced a strange result. Blood was identified on the swab but tests for human proteins proved negative.

It is not accurate to say that the use of luminol was successful every time. Not just because of the results for Items 23DR and 13B, but also because scene examiners would not know if there were “false negative” results. If a false negative result occurred they would not see any reaction to the luminol even if blood was present. False negative results to luminol are proven to occur. Hudson makes his statement about the luminol to reinforce his claim that Haysom lied when she described seeing blood on Soering when he returned to her in Washington. The truth is that luminol is a very useful, very sensitive, presumptive test when looking for blood, but it definitely isn't foolproof; that's why it's only a presumptive test.

Hudson: "When Elizabeth was asked about the blood in the car, she said that Jens told her to clean it with Coca Cola. Impossible, but the Bedford folks bought it (there were no cola stains found by the woman who inspected the rented car upon its return)."

Apparently, a witness said the rental car was very clean when it was returned. It would be if Haysom cleaned it twice before returning it. It's most likely that blood went out of the car on the sheet that Soering and Haysom both said he used to cover him while driving back to DC. And cleaning blood away with Coca Cola is a possibility. Experiments by scientists have shown that common soda can mask reactions to luminol application producing a "false negative" result. Some Coca Cola ingredients contain forms of soda. This would need further tests by scientists, but it is possible. In addition, the rental car was not examined properly, and no samples or swabs were ever taken from it. So we will never know whether there was blood in the car or not.

Hudson: "There is never any reference made to a "bed sheet" by Jens and to my knowledge, this sheet is never referenced any further, except by Elizabeth. In reviewing the crime scene photos, there is a sheet obviously missing from the bed in the Haysom master bedroom"

Soering does refer to a bed sheet, it's just that Hudson hasn't noticed it. Soering told Gardner about the sheet, and in his book *Mortal Thoughts* he has confirmed that he told Gardner so.

*Soering in Mortal Thoughts: "Turned off lights when he left house...Drove all the way to D.C. in rental car...**Wrapped sheet around him...**Jens' hand was cut in fight...Didn't notice cut until he got to dumpster...washed hand and wrapped it in a towel...Met Elizabeth outside Rocky Horror Picture Show...Theater in Georgetown near hotel...Movie ended around 2 a m."*

Haysom described Soering covered with a bed sheet when he returned to her in Washington after the murders. Soering says he told Gardner about it when they were alone together. Now Hudson tells us that he has studied the crime scene photos and there does appear to be a bed cover missing from the house.

After Soering and Gardner were joined by Beever and me, Soering didn't mention a bed sheet. He did say that he looked for something to wrap his injured hand with, and that he used a towel from the bathroom in the master bedroom for that purpose.

Gardner: "... Jens said he washed his hands in the kitchen sink, decided he needed a bandage and headed for towards the master bedroom bath.

At this time Jens said he realised that he was tracking blood and he was in his sock feet. He started ... Jens said started shuffling his feet to get rid of any foot impressions that he may be leaving behind. He also stated that in the dining room there was a hand print or palm print in the blood and he said he didn't realise ... he didn't know if it was his or one of the Haysom's but he shuffled his feet through it to destroy any evidence. He said he then went into the bedroom, walked around the bed and went into the bathroom in the bedroom.

At this point, he washed his hand again but could not find a towel ... bandage, so he got a towel and wiped his ... wrapped his hand in the towel.

At this point, as he was coming out of the bedroom, he looked in a closet and got a grey sweatshirt out of the closet. He said he then went back to the front door and before exiting the house, he wiped the doorknobs clear of any blood or fingerprints he may have left behind."

During four days of interviews in 1986, Soering always said that due to alcohol and because the murders were a traumatic experience, his memory was vague in many areas. Nevertheless, he described the crime scene exceptionally well. Soering said he went to the master bedroom looking for something to wrap his bleeding hand. On several occasions during those interviews, and again six months later, Soering said he took a towel from the bedroom to wrap his injured hand with. Haysom said that when Soering picked her up in Washington DC, she thought he was wrapped in a bed sheet but later found out that it was a bedcover. Perhaps the towel, the bed sheet and the bed cover are all the same item. Or, more likely, Soering was at the crime scene and he took a towel to wrap his hand and a bed cover to cover his legs whilst driving back. That fits exactly with Soering saying he drove back wearing no pants, and because he said the sheet was disposed of it would also explain why no blood was found in the rental car.

Haysom's alleged confession

Hudson: "Elizabeth also confessed to killing her parents"

Over five days Soering and Haysom both confessed to murdering the Haysoms, each telling us their roles in the murders. Elizabeth Haysom never confessed to being at the crime scene. I know she didn't because I was there. The comment made by Haysom that is always quoted as being "her confession" was not a confession to being at the scene of the murders. Her comment was recorded on tape which is still available today. Anyone listening to the tapes will realise that she did not confess to being at the crime scene.

Hudson's assessment of Soering's description of the location of the dead bodies

Hudson: "When Jens was being questioned about the location of the bodies and where the assaults occurred in the house, he described an event that doesn't fit the crime scene and blood stain patterns."

Now I know for sure that Hudson has not looked properly at the evidence and has simply accepted what Soering has told him. Soering's description of how he attacked and killed the Haysoms fits exactly with the crime scene evidence.

Hudson: "Based on his description as I understand it, he moved the bodies to a worse location than he placed them in the day before"

The location where Soering said he left the dead bodies of the Haysoms was exactly right. He drew the correct location within the house with the wrong orientation. He also said that when he left the house the first time Derek Haysom was still alive shouting after him and so still able to move. In addition to his sketch plans Soering described perfectly how Derek Haysom body was finally laying to rest. On this occasion Hudson can be forgiven for not getting this right because he does say his assertion is based on a description given by

Soering. But he can't be forgiven for including it in his letter to the Governor without bothering to check what Soering had actually said in 1986.

Hudson's theory on the spread of blood types in the kitchen

Hudson: "The blood pattern analysis in the kitchen where Nancy Haysom came to rest shows linear drip patterns on the counter top. There are two ABO blood types in those drip patterns at location 23K: there is Type AB blood with a Y chromosome (unknown male) and there is Type A blood (Derek Haysom's blood type) that is in a linear drip pattern inches away from the AB blood drip pattern. That suggests to me that Derek Haysom was bleeding in the kitchen."

Hudson is repeating his earlier mistakes. It's not correct to say that "there is type AB blood with a Y chromosome". There was AB blood **"and"** there were Y chromosomes, not **"with"** Y chromosomes. The blood traces found on Items 23K# and 23K#2 in 1985 were not DNA tested. Type AB blood was identified in 1985 and DNA of no value with Y chromosomes was found in 2009. Most noticeably, the forensic evidence recovered from the crime scene suggests to me that Derek Haysom did not bleed in the kitchen.

When Soering described the injuries to his own hand he said it bled **profusely**, and those injuries were very minor. Considering the injuries the Haysoms received, imagine how much Derek and Nancy Haysom's wounds would have bled.

Hardly any type A blood was found in the kitchen. Bearing in mind the severity of the injuries received by Derek Haysom, it's reasonable to expect much more type A blood would be in the kitchen if Derek Haysom entered there after being wounded. It is far more likely that type A blood from Derek Haysom was transferred to the kitchen on a weapon, or on an assailant, or by Nancy Haysom.

Even if Derek Haysom did enter the kitchen after being wounded, it does not negate what Soering said in 1986. Anyone who has seen photographs of the victims will realise that the assailant would have had blood from the victims on them. Soering said that he cleaned himself in the kitchen and bathroom.

Victims' blood dripping from him or his weapons fits with the crime scene evidence and with what Soering said. If the drips of type A blood, and the drips of type AB blood close by, were transferred there by Soering, it also provides a perfectly valid explanation of how Y chromosomes could be collected along with the type AB blood.

Derek was stabbed and cut 48 times, with 14 of those stab wounds in his back as he was trying to get away. He also showed "defensive wounds" by the medical examiner.

Hudson suggests that the stab wounds to Derek Haysom's back were caused while he was trying to get away from his assailant. Is that really a feasible scenario? He had only a few yards in which to run and his assailant would have had a tiny amount of time to stab him 14 times in the back. Hudson says, "as he was trying to get away", adding his own opinion to the known fact that Derek Haysom was stabbed 14 times. It's more likely that the assailant was struggling with Derek Haysom face to face whilst reaching around and stabbing his back. Thirteen of the stab wounds are on the left side of Derek Haysom's back, and Soering is righthanded. And all but one wound was superficial. Don't forget that in the theory put forward by Hudson and Harding there is more than one assailant. If that were so it would be very difficult for Derek Haysom to run away anywhere.

It should also be considered where type A blood was found in the scene. Very few drops were found outside of the dining room and living room. If Derek Haysom bled in the kitchen he would then need to move back to the location where he finally lay. With the injuries he received it would be impossible not to leave a trail of blood as he went into the kitchen and back. Derek Haysom bleeding in the kitchen is highly unlikely. The transfer of a very small amount of Derek Haysom's blood from a weapon, from the assailant, or from Nancy Haysom is far more likely. The locations of the blood types found in the crime scene are consistent with the Soering confessions.

Also notice that Nancy Haysom received no back wounds. This is also consistent with what Soering said. He told us that while he fought with Derek Haysom, Nancy Haysom came at him with a knife. He struggled with her until he was able to get his arm across her neck and cut her throat. At that point, as

described by Soering, Nancy Haysom would have had her back virtually against Soering. The forensic evidence is consistent with Soering's confessions.

Hudson on genetic evidence again

Hudson: "Based on all the evidence and the new interpretation of the genetic evidence"

In 1985 there was no genetic evidence, only serology evidence. The 1985 DFS report simply stated the facts and no interpretations were given. The report states the facts without adding any opinions. The introduction of genetic evidence didn't come until the 2009 DNA report. That report contained no opinions either, only the facts. There is no "new" interpretation of genetic evidence.

Hudson: "The Commonwealth's theory in 1985 that the O blood stain on the inside front door handle belonged to Jens Soering has been proven to be wrong."

The evidence presented to the jury in 1985 was not Updike's theory, it was the evidence available and most of it came from Soering himself. Neither has it been proven to be wrong. Nothing since 1985 has proven that type O blood could not have come from Soering.

Hudson on luminol again

Hudson – "When Elizabeth described Jens covered in blood wrapped in a sheet, the Bedford supervisory staff at Bedford Sheriff's Office sends Investigator Chuck Reid to luminol the car with instructions only to inspect the drivers area of the vehicle: seat, steering, floor, other controls. Reid luminols the area of the vehicle he was instructed to examine and finds absolutely no evidence of blood staining or residue. Chuck Reid acknowledges the entire car should have been examined using the luminol technique but he was following directions from his supervisor."

(I thought Reid is supposed to have been a lead investigator, so who was giving him instructions?)

What really happened regarding the timing of the examination of the rental car is that Elizabeth Haysom was first spoken to by Bedford County Sheriff's Office investigators on April 8, 1985. She told them about her Washington DC trip with Soering. The following day Reid was assigned to go and examine the rental car. I don't know how many times the car was rented out, returned, and cleaned again between March 31 and April 9.

I'm told that Reid had no special training in the use of luminol, and because no samples/swabs were taken from the car no one will ever know if there was blood present or not. The truth is that the rental car was examined soon after the murders, but the examination was not a thorough one. It was not after Haysom described Soering returning to Washington as Hudson says.

The point is that Hudson is wrong yet again. In June 1986, Haysom described Soering returning to Washington, by then the rental car had already been examined more than a year earlier. I don't think that Reid was even working at the Bedford County Sheriff's Office in June 1986 when Haysom described Soering, I think he was a truck driver at that time. This is one more example of Hudson getting his facts wrong.

Conclusion

Hudson's letter is not an accurate representation of the evidence in this case. He has committed his theories to paper and submitted them to the Governor without a thorough knowledge of the case, and he has not taken the time to verify that his assumptions are correct. His theories are based mainly upon incorrect facts.

We can all make mistakes, but in circumstances with such a serious outcome it's not too much to expect Hudson to check, double-check and then check the facts again, before writing to the Governor with the intention of influencing the Governor's decision.

Offering an opinion on a case as complex as this one with only a little amount of knowledge is foolhardy at best.

Clarification regarding Shifflett and Albright

There are some facts that need to be made public regarding William Shifflett and Robert Albright.

Over many years Soering has claimed that he was not notified about Shifflett and Albright being stopped by police saying that exculpatory evidence was withheld from him. Now these two convicted murderers are being put forward as alternative suspects in the Haysom murder case.

Very experienced appeal court judges have already considered the question of whether exculpatory evidence was withheld, and they ruled that evidence of Shifflett and Albright being stopped by police was not exculpatory. Even so, Soering's followers disagree with the appeal judges and want to raise it again in the current Soering petition.

Under the Discovery rules, and prior to his trial, Soering and his defense team were served with a document that listed the crime scene Items that were submitted to the forensic laboratory. On that list were Item #55 and Item #56. The details of those Items are:

Item #55 – Prints of William Shifflett (Seized by Richard Whitt Roanoke P.D. on 4/13/85)

Item #56 - Prints of Robert Albright (Seized by Richard Whitt Roanoke P.D. on 4/13/85)

Shifflett and Albright were stopped by Officer Anderson “within a week” of the Haysom murders. That could be a week from when they were killed, or a week from when they were found dead. The bodies were found on Wednesday, April 3, 1985 so I presume that the two were stopped on a date around April 10. Anderson found a knife in his car “ten to fourteen” days later, ten to fourteen days after he spoke to Shifflett and Albright. There was no way for Anderson to know who left the knife in his police car, or if it was there before Shifflett and Albright were stopped.

When Anderson reported finding the knife to the Haysom murder investigators they didn't ignore him. Investigators had either already made enquiries about Shifflett and Albright because they had heard about the Roanoke murder, or

they made enquiries as soon as Anderson told them. I know this because Investigator Rush obtained fingerprints of Shifflett and Albright on April 13.

No links to the Haysom case could be found, but even so, investigators still submitted the fingerprints to the forensic lab on July 24, 1985 for them to be compared with crime scene fingerprints.

The truth about Shifflett and Albright is that appeal court judges have already ruled that the fact that they were stopped by the police is not exculpatory evidence. What's more important to me is that their names were supplied to Soering and his defense team. The appeal court judges would not have seen the lab submissions list so they would not have known about the submission of fingerprints of Shifflett and Albright to the lab. Had they been made aware of the fingerprint submissions they may well have commented on it.

It's just not true that the prosecution withheld the names of Shifflett and Albright from the defense.

When Shifflett and Albright were stopped by the officer it was a several days after the Haysom murders. There was nothing at all that linked them to the Haysom murders. When Officer Anderson found the knife in his police car it was not "a week or two" after he had spoken to Shifflett and Albright as Hudson says. Anderson says it was ten to fourteen days after, that is substantially more than a week. The officer doesn't know when the knife was hidden in his car, and he doesn't know who put it there. He didn't search the car after speaking to Shifflett and Albright and there is no evidence that he searched the car after anyone else was in it, either before or after Shifflett and Albright. Taking everything into account, it's not possible to link the knife to the two drifters.

Even if Shifflett and Albright were spoken to today and they said that they did conceal a knife in Deputy Anderson's car, there is still no evidence that they had anything to do with the Haysom case.

Although I was a witness at the Soering trial, I didn't hear all of the evidence because I didn't sit in court until my evidence was complete. But I have no recollections of any witnesses saying what type of knife may have caused the injuries that Derek and Nancy Haysom received. My recollections are that the

witness Oxley couldn't say what type of knife was used. That can easily be checked. What is obvious is that Oxley would not have said that the wounds were consistent with a Buck knife if the prosecution were trying to withhold the fact that a Buck 101 type knife was found in Deputy Anderson's car. I don't believe Soering's claim that witnesses said that the wounds on the victim were consistent with any particular type of knife.

Experienced appeal court judges said the following:

"The medical examiner who performed the Haysom autopsies testified that the blade of the knife was of such size and shape that it could have been the Haysom murder weapon, although he said it was difficult to be certain of that fact because he could not determine precisely the dimensions of the blade of the murder weapon from the wounds on the bodies. The knife, a common type of folding knife, is readily available at retail stores"

The final points about Shifflett and Albright relates to DNA and the US CODIS system. They are procedural points that a US Sheriff should know, but they seem to be unknown to Harding and Hudson. I fully accept that I'm not a Virginia law enforcement officer, but I did work in Virginia in law enforcement between 2010 and 2015. On a daily basis I liaised with the FBI, and certain other agencies operating DNA databases, about forensic DNA procedures. That's not saying that I'm an expert on DNA evidence, only that on a basic level I'm aware of US law enforcement procedures for the recording of DNA profiles. Whatever I say about US DNA procedures is based on my experience and can be checked for accuracy. If a DNA expert contradicts what I say about US DNA procedures I will accept that, but I think that is unlikely to happen.

Harding says that DNA from Shifflett and Albright should be checked against the DNA databases. The inference I draw from his comments is that he thinks that the Bedford County Sheriff's Office don't want to check Shifflett's and Albright's DNA in case it matches to profiles recovered in the Haysom case. Bedford investigators could request that the DFS make these comparisons, and I've no doubt that the DFS would do it. But I doubt that there is any need to do so.

The US DNA databases work on a three-tier system consisting of local, state and national levels. Certain security levels operate so that not everyone has access to all the tiers, but in general, the tiers are linked. As far as I know, in Virginia, serving prisoners were required to provide compulsory DNA samples, particularly for serious crimes such as murder. That's why Soering's and Haysom's DNA profiles are on the database.

A profile developed from a DNA sample needs to meet strict requirements before it will be uploaded to CODIS. The usual method of taking a DNA sample from a known person is by buccal swabs. Buccal swabs usually result in a good quality forensic DNA profile, usually suitable for uploading to CODIS.

When a profile of a known subject is uploaded to CODIS, it is checked against the database as it is uploaded. It's checked against profiles from other known individuals, to avoid an individual being on the database under different names without anyone realising it. It's also checked against profiles developed from crime scene stains that have not yet been identified.

Assuming that Shifflett and Albright have supplied DNA samples, which is most likely, then when their profiles were uploaded to CODIS they will have been checked against all profiles on the CODIS system at that time. The database searches are a continuing process. Once profiles are uploaded, they become part of the database that is searched when further profiles are added to it.

The same applies to DNA profiles recovered from crime scene stains. They have to meet the quality standards, and if they do then they are uploaded onto the system. As they are uploaded, they are searched against the existing database. Once uploaded they are part of the database being searched when further profiles are added.

It's very possible that the requirement for Shifflett and Albright to supply a DNA sample because they are convicted murderers may have been before 2009. Before the DNA profiles were developed in the Haysom murder case. But it doesn't matter which came first, the Shifflett and Albright profiles, or the DNA profiles from the Haysom case. They would still have resulted in a match that the lab would notify to law enforcement. That's how many cold cases are solved.

If the DNA profiles from the Haysom case had matched with any profiles already on the database, the DFS would notify the law enforcement agency that submitted each of the matching profiles. If the Shifflett and Albright DNA

profiles were added to the database after the Haysom case profiles were developed they would still have resulted in a match that would have been reported.

The only reason I can think of for DNA profiles from Shifflett and Albright not being searched on the CODIS database is if they were released from prison before serving prisoners were required to provide a sample. That can easily be checked.

Conclusion

The names of Shifflett and Albright were not withheld from Soering.

Appeal court judges ruled that even if their names had been withheld it was still not exculpatory.

There is no link between Shifflett and Albright and the Haysom case.

The knife found in Deputy Anderson's car cannot be linked to Shifflett and Albright.

The knife found in Deputy Anderson's car cannot be linked to the Haysom murders.

The medical examiner was not able to identify what type of knife was used to kill the Haysom's. Therefore, any knife that can cut or stab is consistent with the injuries to the victims.

DNA profiles of Shifflett and Albright and the "unknown profiles" from the Haysom murder scene will have been compared and a match would have been notified.

Even if Shifflett and Albright now agree that they did leave the knife in Deputy Anderson's car, there is still no link between Shifflett and Albright and the Haysom murders.

False allegations made by Soering

Earlier in this report is a section about Soering's access to legal advice. He lies when he says that he requested to speak to a lawyer and that Ken Beever, Ricky Gardner and I, wouldn't allow him to speak to one. Those issues have already been dealt with in some depth. However, I want to address some allegations made by Soering. Some of them are specifically aimed at me. He said at his trial, and he says in his books, and TV and radio interviews, that I altered my original notes made during his confessions. That is not true.

I'm giving my personal assurance to the Governor that my notes were not altered in any way. When I testified from my original notes, and about my original notes, that testimony was absolutely true.

On June 9, 1986 I sat down and examined the few notes I'd scribbled on various pieces of paper, attempting to organise them as best I could. In the UK at that time the method for recording an interview of a suspect was to contemporaneously record every question and every answer. Tape recorded interviews were not done in the UK in 1986. The few notes I had made were not proper contemporaneous interview notes and there is a reason for that.

That reason is that Soering didn't want his confessions to be written down. In the very first interview Soering saw that I started to record contemporaneous notes and he let it be known that he wanted me to stop. Beever and I were there to assist Gardner to investigate offences committed in the US. When Gardner nodded in agreement with Soering I stopped writing. As the interview progressed, I would occasionally make a note to myself, or write down a question I wanted to ask, or I would record something that Soering had said. This was in full view of Soering. He could see me writing and occasionally he would ask me to stop again, and I would do so. This set a pattern for the subsequent interviews.

A very similar pattern emerged during the interviews with Haysom, except that in her interviews the tape recorder was operating continuously. She didn't request that it be turned off as Soering did when he was about to say something particularly incriminating. Even though the tape recorder was running, I still made some notes in her interviews.

So, on June 9, I had a mixture of several pages of rough notes from all of the interviews that I now had to put in some semblance of order. The first thing I did was to separate the pages that referred to Soering's interviews from those that referred to Haysom. From there I put each pile of notes in chronological order.

I wanted to mark the pages to retain their order, but I didn't want to add anything to them as they were original notes. Using a pencil, I marked the top of each page using the alphabet. I used a pencil for one reason only. To differentiate the annotations that I was now writing on the pages from the original notes.

I later gave the original notes to Updike and they have remained in the US ever since.

In 1990, at his trial, Soering tried to prevent my original notes being produced. Quite correctly in my opinion, Sweeney didn't allow them to become an exhibit, but as they were original notes I was allowed to use them to refresh my memory during testimony.

The notes I was shown during my testimony were photocopies of my original notes. The Defense Attorney Neaton, asked me why the annotations at the top of each page were "A, B, C, C and E". This made it appear that a page "D" was missing and that there were now two pages marked "C". Because the pages were photocopies, the annotations looked the same as the handwritten notes. I then asked to see my original notes as opposed to the photocopies. With sight of the original notes I quickly realised that they had mixed up pages of notes from Haysom's interviews with those of Soering. I held my original notes up showing them to the court and pointing out the annotations are in pencil. This is all a matter of court records and is probably also recorded by TV companies.

Updike checked the set of notes from Haysom's interviews and found that they were missing a page "C" and that they had an extra page "D". That extra page "D" was the page "D" missing from Soering's interviews. It was very clear to all that my notes had not been altered, all except Soering, who continues to accuse me trying to undermine my integrity.

As soon as I gave my original notes to Updike many years before the Soering trial, I no longer had any control over them. I was in the UK and the notes were in the US. I have no idea how many times those notes were looked at by

Updike or Gardner, or lawyers and Judges. I do know that in 1987 Haysom appeared before the court to answer her charges. I also know that there was a later sentencing hearing for Haysom. Further to that, in March 1990, there were prolonged pretrial motions for Soering followed by his trial. I also know that Updike served paperwork on the defense under the Discovery rules which almost certainly included copies of my original notes. Soering, Neaton and Cleveland were aware of my notes before I testified because they tried to have them excluded.

At some time in the four years that had elapsed, from when I gave my notes to Updike and the Soering trial in 1990, someone had inadvertently mixed up the two sets of notes. Probably when the paperwork was being copied to serve on the defense.

Rather conveniently for him, Soering doesn't tell his readers about the pages of notes being mixed up in my absence. Instead he prefers to tell only half of what happened. The half that fits in with his lies, trying to make me look dishonest.

Soering's allegation that I altered my original notes is ridiculous, outrageous, and offensive, though not altogether unexpected. Throughout his detention he was treated according to the laws of the UK and the US, and he was treated with dignity and respect. In return he has accused us all of lies and perjury when the known liar amongst us is Soering himself.

I'm not the only one that Soering maligns with his false accusations. Anyone who has had any involvement in the Soering case, either has been or will be accused of being part of an imaginary conspiracy against him. In the mind of Soering, every tiny detail that he isn't comfortable with becomes part of a huge conspiracy against him. In the fullness of time no one is spared. If things don't go the way that Soering intended, then he blames all around him. Some of his allegations are completely ridiculous and deserve only a passing acknowledgement that they were noticed, others are far more malicious and amount to serious allegations against individuals who have done nothing to deserve having their integrity malignd.

One of the more ridiculous allegations that Soering has made was thinly disguised as a mere comment about strange happenings during his trial. In his book, *Mortal Thoughts*, he tells his readers that there were problems with the court's air conditioning and lighting during his testimony. He writes in such a way that it sounds like a passing comment. What he is really doing is sewing the seed in the minds of his readers that there was something sinister going on. That the air conditioning and the lights in the court went wrong deliberately, perhaps to interfere with his testimony. He says that "*strangely enough*" these problems only happened when he testified.

Mortal Thoughts "After Mr. Hallett left the stand the defence opened its case, which was based almost entirely on my own testimony. As if that were not enough pressure, I also had to contend with a whole series of curious distractions while I told my story. First, the courtroom's air conditioner broke down, and the temperature inside soon rose even beyond the extremes of the Virginia June heat outside. Then the lights began failing intermittently, plunging the whole court into darkness on several occasions. Strangely enough, the air conditioning and lighting systems experienced such problems only when I was testifying."

But these allegations made by Soering are not a laughing matter. He has published in a book, and repeated world-wide on the internet, allegations that Ken Beever, Ricky Gardner and me, committed perjury, and that the three of us, plus James Updike, have perverted the course of justice.

Soering tells all that Beever threatened harm to Haysom if Soering requested a lawyer, and yet he clearly states in his tape-recorded interviews that he was not threatened or coerced in any way whatsoever.

Soering tells everyone that evidence was deliberately withheld by Updike and that Updike conspired with Haysom to pervert the course of justice.

He also says that Gardner has deliberately withheld an FBI offender profile which never existed.

He has said that the Bedford County Sheriff and his Deputies didn't investigate the Haysom murders fully because of the social standing of the Haysom family.

Soering says that lawyers representing the German Government told him he couldn't say he was innocent.

He says that the UK government directly interfered when he was detained in the UK prison system to make his stay more uncomfortable because he was an embarrassment to them. Soering says that the UK Government arranged to have him moved to the prison Hospital Wing.

According to him, an innocent man who is no longer alive and can't defend himself, was a serious criminal running consignments of drugs between Washington and Bedford County or Charlottesville. He infers that this same man is an accomplice to the murders of the Haysoms.

At the same time Soering also accuses Shifflett and Albright of the murders.

He infers that the witness Harrington came forward prompted by Gardner and only did so a year after the murders, when in fact Harrington gave his information within a few days of the memorial service for the Haysoms.

Soering says that the DFS scientist Gist lied when he said he didn't have sufficient biological material to carry out DNA testing.

Even his trial lawyers don't escape his accusations, apparently, they didn't represent him properly.

Over a six months period Soering repeatedly said that on the evening of the murders Mrs Massie followed him into the Haysom's house and carried out a ritual involving the mutilation of the dead bodies.

No one is immune to the false allegations made by Soering, not even his own family. He has made many more allegations against innocent people, but I think I've given sufficient examples to show that he will accuse all and sundry if they have the temerity to disagree with him.

My final conclusions

After my first dealings with Haysom and Soering I thought they had something more to hide than the fraud offences for which they had been arrested. The outcome is history. Many years later I heard that DNA evidence may have proved that O type blood found at the Haysom crime scene could not have originated from Soering. I was troubled by this because I would not want an innocent person to be locked up for something they didn't do.

I testified at Soering's trial in 1990 without giving an opinion, testifying truthfully to the facts of the investigation. As a police officer I did not state my opinion in court, but outside of court I did think that Soering was guilty of the murders. I would gladly change my original opinion if there was evidence that showed that Soering was innocent.

Once I became aware of the DNA evidence, I decided to go back to the case evidence and compare it with what Soering now says. If the evidence indicated that the conviction of Soering was erroneous I would gladly add my support to his claim of innocence.

In June 1986, in a long conversation when I was alone with Jens Soering (outside of the official interviews), Soering told me he murdered Derek and Nancy Haysom. He is now claiming that he lied in his interviews back then. He says he lied to us officers, and that he accepted the blame for murders he didn't commit. He says he is innocent of those crimes.

The thought of someone incarcerated for over thirty years for a crime they didn't commit is truly abhorrent. But it should not be accepted that Soering is telling the truth now, or that he is lying now. The whole of the evidence available should be studied very closely to determine if there is any corroboration of what Soering now says. I have done exactly that with the evidence that is available to me.

I began to examine the evidence with a strong intention to keep an open mind, trying not to be influenced by what Soering told us in 1986, and trying to be objective. The more I looked into the claims that Soering has made, the more lies I found. I have to admit that the further I went into my examination of his claims, the less objective I became, and I'm aware of that. Readers of my report might notice the change in my language as the report progresses. If

Soering didn't commit the murders, and he is telling the truth now, there would be no need for him to tell any lies at all.

In the main body of this report I've dealt with what I consider to be the most important aspects of the case. There are many more lies, omissions and misrepresentations made by Soering not covered in this report. I could have continued on writing for quite some time.

During my research into what Soering has said since 1990, I read a draft copy of his book "Mortal Thoughts" circulated on the internet. Soering claims that this book is a true account of the murders but, almost every paragraph is either made up, or it's a lie. There are so many lies, about so many things, that it cannot be a simple case of a differing opinion, or a different interpretation of the facts, Soering is clearly saying things that I know to be untrue.

But Soering claims that his book is a book of truth. He tells his readers that the account in his book is what actually happened. I was there during the arrest of Soering for fraud offences. It was me doing the investigation over the following weeks. It was me who asked the American officials to come to the UK to interview Soering and Haysom regarding the murders. I was there when Soering was arrested on suspicion of the murders, and I was there when he was booked in at the police station and later interviewed about the murders. While he was in custody he was treated with respect, courtesy and exactly as the law prescribed. But Soering says this is not so. I know without any doubt whatsoever that Soering is lying about that. He was treated well, and more importantly he was treated according to UK and US law at all times. He was never denied any rights. What Soering says now, and what he said in his book, is just not true. He is lying, and there is no doubt that he is lying.

In 1986 Soering said that he killed the Haysoms, in 1990 he said that he didn't kill them. Clearly, one of these statements is a lie. We have to rely on the evidence available to decide which of these statements is correct. However, there are some facts that don't have to be decided because they are a matter of record. Soering's detention in the UK is one of them. How Soering was treated, the rights he requested, and much of what he said under caution are all matters of record.

If Soering didn't kill the Haysoms then it's obvious that what he now says will be different from what he said in 1986. But his account, and my account, of his treatment in the UK should be exactly the same because it doesn't affect what

happened in Virginia a year earlier. Whether he had killed the Haysoms or not there is no need for Soering to lie about his detention in the UK. But he has lied, and lied profusely about his detention, he was never denied any rights. You should ask yourself, what advantage would Soering gain by lying about how he was treated in the UK? The only answer I can think of is that he is lying to account for why he confessed.

Soering says he confessed only because he was denied a lawyer (he was not). Yet, he tells us that it was always his intention to confess. If he had made a pact with Haysom to confess to murders he didn't commit, then surely it would make no difference whether there was a lawyer present or not. In fact, if he had requested a lawyer it's likely that a lawyer would have advised him to exercise his right to remain silent. It would have been made more difficult for him to make a false confession with a lawyer present.

The confessions made to us investigators in June 1986, and again in December 1986 in the presence of his German defense counsel were made voluntarily, without any intimidation, without coercion or the denial of any rights. Four years later at his trial, Soering tried to get those confessions ruled out as evidence. To do so he claimed he had been denied a lawyer, effectively saying he confessed against his will. He says this even though the basis of what he now says is that he wanted to make a confession.

There is no doubt that my personal knowledge of the lies that Soering now tells has influenced my opinions to a great extent. Even though I did my best to remain neutral, the sheer volume of lies he has told did sway my views as time went on. I started this report with an open mind, and if I had found evidence that showed Soering's innocence I would highlight that evidence to the Governor. That has not happened. From Soering I've found only lies. In addition, I've found evidence that I was not previously aware of that supports that Haysom was in Washington when the murders took place.

After years of studying the evidence in the greatest of detail I am more convinced now than ever before that Jens Soering is guilty of the brutal murders of Derek and Nancy Haysom.

Every comment made in this report has been made in good faith and sincerity. During the considerable time it has taken to complete the report Ken Beever has had sight of each section as it was written and agrees that the report is an accurate reflection of his memories too.

Some topics in the report may be upsetting for the surviving Haysom family. If that is the case, then it's regrettable but it has been necessary. These distasteful memories needed to be brought to the forefront in order that the Governor has the information needed to decide on the Soering petition.

Although this report is addressed to the Governor of Virginia, I fully realise that some or all of it may end up in the public arena. With this in mind, I also note that the allegations that Soering made regarding Mrs Annie Massie might also cause some distress. This is unfortunate, but Soering included Mrs Massie, not Gardner, Beever or me. Soering relies on a comment he made in an interview in London as proof that his confessions to murder were false. That comment was part of a longer discussion when Soering made his allegations against Mrs Massie. To leave Mrs Massie out of this report would have denied the Governor of vital information.

There are other innocent individuals mentioned in this report such as Mary Fontaine Harris, Jim Farmer and Donald Harrington. They are mentioned only because Soering has mentioned them, either telling the world they are liars or using them to promote his own lies. I apologise to all those innocent people mentioned in the report, and to their families if the individuals are no longer with us. There has been no intention to cause them any discomfort by mentioning their names. Again, it was necessary in order to discuss the evidence in this case. I sincerely hope that they understand this.

Terry Wright,



Metropolitan Police (Retired)

October 6, 2019

Appendix A

Notes and abbreviations regarding Custody Records 1106

In 1986 in the UK, the welfare, conditions of detention and rights of a person in police detention were governed by the Police and Criminal Evidence Act 1984, and the Codes of Practice to that Act. The Act stipulated that custody officers, independent to the investigation, would deal with detained persons and record their detention in a 'Custody Record'.

Since that Act became law, Custody officers are required to check on the detained person regularly and the circumstances of their continued detention is also reviewed regularly to make sure the grounds for their detention still to apply.

Custody officer's work shifts at Richmond Police Station were 'Early Turn' (E/T), 'Late Turn' (L/T) and 'Night Duty' (N/D).

E/T = 6am – 2pm

L/T = 2pm – 10pm

N/D = 10pm – 6am

PACE = Police and Criminal Evidence Act

COP = Codes of Practice (supplemental guidelines to PACE)

CR = Custody Record

DCI = Detective Chief Inspector

R of C = Rules of conduct

Form 990 = A police form used to record contemporaneous notes of an interview. In this case a blank form 990 was used by Soering on which to draw a sketch.

TR = Metropolitan Police code for Richmond Police Station

TR Ct. = Metropolitan Police abbreviation for Richmond Magistrates Court

V. well = Very well

PC = Police Constable

WPC = Woman Police Constable

Appendix B

CUSTODY RECORD 1106 RE: JENS SOERING (Typed)

Page 2

Note: Page 1 of the Custody Record can be seen at page 439 of this report.

DATE TIME

5.6.	1.10pm	Authority to detain granted, arrested on suspicion of murder in USA – Four day commitment warrant granted by the court. To be held incommunicado, covering authority to be obtained by Supt.
	1.45pm	Full meal supplied.
	2pm	Taken over as custody officer. Visit no requests.
	2.55pm	Visit well no requests.
	3.25pm	Taken to DCI office for investigation. Reminded of codes of conduct.
	5.28pm	Return to charge room, no untoward incidents took place. Whist at interview spoke to Keith Barker at 4.30pm Solicitor.
	6pm	Taken for interview by DS BEEVER. Officer reminded of R of C.
	6.45pm	Returned to cell, no untoward incident took place.
	7.05pm	Main meal supplied.
	7.45pm	Requested a phone call to German Embassy, this was allowed and he phoned 235 5033 and spoke to Mr BENZ the night security, being unable to speak to anyone he stated he would ring back tomorrow.
	7.50pm	Placed back in cell, whilst being taken to cell he requested that he speak to DS BEEVER and DC WRIGHT as soon as possible as he felt it was the right time to talk.
	7.55pm	I contacted DC WRIGHT who then attended the charge room with DS BEEVER.
	7.59pm	I now wish to speak to DS BEEVER, DC WRIGHT DC GARDNER without me solicitor being present. <i>Jens Soering</i>
	8.02pm	Taken to DCI office by DS BEEVER. Reminded of Codes of Practice.
	11.14pm	Returned to cell. No incidents.
	12.14pm	Checked asleep.
	1.14pm	Checked asleep.
	2.14pm	Checked asleep.
	3.14pm	Checked asleep.

Page 3

DATE TIME CR 1106

6.6.86	3.30am	No change in circumstances. Detained under commitment warrant to Police Custody from Richmond Magistrates Court.
	4.14am	Checked asleep.
	5.14am	Checked asleep
6.6.86	6.00am	Taken over as custody officer, checked in cell, asleep all correct.
6.6.86	7.00am	Checked in cell, asleep, all correct.
6.6.86	8.00am	Checked in cell, asleep, all correct.
6.6.86	8.23am	Accepted a light meal. No incident.
	9.20am	Out of cell to use washing facilities in main cell passage, toiletries restored to him. Did not want a change of clothing.
	9.26am	Back in cell. No incidents.
	10.05am	Rang Embassy 235 5033, unable to speak to person he wanted, told to ring back at about 11a.m. Call concluded 10.11a.m. Back in cell. No incidents.
	10.13am	Re above, prisoner requests that he does not speak to police officers until he has spoken to embassy.
	11am	Phoned up his embassy 235 5033, as requested, call concluded stated person who knows about his case was not there and would not be there until 3.00p.m. Requested to speak to DS BEEVER.
	11.11am	
	11.19am	Out of cell to CID interview with DS BEEVER and DC WRIGHT as requested by prisoner. PACE explained to escort.
	1.20pm	Back in cell. No incidents.
6.6.86	1.39pm	Entered cell No. 3 with DS BEEVER. Took possession of piece of white paper (Form 990) bearing rough sketch. No incidents.
	1.50pm	Gave main meal.
	2pm	Taken over custody of prisoners, checked and well.
	3pm	Checked and well.
	4pm	Checked and well.
	5pm	Checked and well.
	6pm	Checked and well.

Page 4

DATE TIME CR 1106

6.6.86	6.55pm	Meal supplied
	8.20pm	Visited – checked and well.
	9.30pm	Reviewed – fit for detention. No change in circumstances.
	10pm	Visit checked and well.
7.6.86	1.45am	Delayed visits due to other prisoners. Asleep.
	2.45am	Visit. Asleep.
	3.45am	Visit. Asleep.
	4.45am	Visit. Asleep.
	5.45am	Visit. Asleep.
	6am	Prisoner asleep in cell – not disturbed. Held on a commit warrant to re appear TR Ct. on 9.6.86. No bail.
	7am	Asleep in cell.
	8am	Served breakfast in cell.
	9am	Cell cleaned, allowed to wash. No requests.
	10.10am	Into charge room for exercise. Unable to take into yard for presence of photographers in the vicinity.
	10.25am	Returned to cell. No requests.
	10.50am	Taken out of cell by DS BEEVER for interview in DCI office.
	12.25pm	Return to charge room and request made by Soering to speak to Mr. GARDENER (Virginia investigator), I wish to speak to Mr. GARDINER and I am willing for this to take place without a solicitor or attorney. <i>Jens Soering.</i>
	12.30pm	Return to cell.
	1pm	To shower in custody of DS BEEVER and DC WRIGHT and then to DCI office to speak to Mr. GARDINER. Prisoner rights explained

Page 5

DATE TIME CR 1106

7/6	1.30pm	Served meal in DCI's office.
	3.30pm	In DCI's office (Interview). No change in circumstances apparent
	4.37pm	Prisoner returned to cell. No incidents.
	5.30pm	Meal supplied.
	6.30pm	Visit – V. well.
	7.30pm	Visit – checked and well. Given reading material.
	8.30pm	Visit – checked and well.
	9.40pm	Took over custody, checked fit and well, no complaints.
	10.40pm	Visited – fit and well, fast asleep.
	11.40pm	Visited – fit and well, fast asleep. Not roused.
8.6.86	12.40am	Visited – fit and well, fast asleep. Not roused.
	1.40am	Visited – fit and well, fast asleep. Not roused.
	2.40am	Visited – fit and well, fast asleep. Not roused.
	3.40am	Visited – fit and well, fast asleep. Not roused.
	4.15am	Reviewed, no change in circumstances.
	5.15am	Visited – fit and well, fast asleep. Not roused.
	6am	Visit on take over for E/T, asleep.
	6.55am	Visit, asleep and breathing.
	8am	Visit, asleep and breathing.
	9am	Visit awake and well.
	9.30am	Refused breakfast but had cup of tea.
	10.30am	Visit – well, no requests.
	11.25am	Visit – well no requests.
	12.30	Visit ask if he wanted dinner he refused, gave no reasons.
	1.35pm	Visit no requests.

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DATE TIME CR 1106

8.6.86	2pm	Taken over custody of prisoner, checked and well.
	3pm	Visit – checked and well.
	4pm	Visit – checked and well.
	4.30pm	Prisoner requested to speak to DS BEEVER contacted and spoke through wicket from 4.32pm to 4.35pm. No incidents but prisoner requests to speak to Investigator GARDINER from USA.
	4.45pm	Prisoner removed in order to speak to officer GARDINER in DCI office. DS BEEVER escorts. Reminded of Codes of Practice.
	5.30	Relieving custody officer for refreshments. Prisoner not yet returned.
	6.30	Prisoner -entered in error refers CR1105
	9.45pm	Prisoner returned to cell after interview. No incidents. Provided with sandwiches and cup of tea.
	9.50pm	Hand over, checked fit and well, no complaints “everything is wonderful”.
	10.50pm	Visited, fit and well, fast asleep.
	11.50pm	Visited, fit and well, fast asleep.
9.6.86	12.44am	Visited, fit and well, fast asleep.
9.6.86	1.20am	Review – no change in circumstances, appearing TR court on 9.6.86.
	2.15am	Visited, fit and well, fast asleep.
	3.15am	Visited, fit and well, fast asleep.
	5.15am	Visited, fit and well, fast asleep.
9.6.86	6am	Taking over as E/T custody. Visit asleep and breathing, not roused.
	7am	Visit asleep and breathing.
	8am	Visit, awake and well.
	8.30am	Breakfast served.

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DATE TIME CR 1106

9.6.86	9am	Removed from cell by myself for wash and clean up, returned no incidents.
	9.30am	Taken from cell to TR court by PC 424, 387, WPC 968.
	9.30am	Released from Police Custody

Appendix C

Photograph of Custody Record 1106 – Soering

Page 1

FORM 57

METROPOLITAN POLICE
Custody Record

Custody No: **1106**
Charge No:

Police station: **RICHMOND** Station code: **TR**

Reasons for arrest: **SUSPICION OF MURDER** Other references:

Signature of person detained: *[Signature]* Time: **12:50 PM** Date: **5/16**

Signature of person detained: *[Signature]* Time: **12:50 PM** Date: **5/16**

At the time of service of notice - notification of detention to named person requested/not requested*
Named person: **Parents**

Time: **12:50** Date: **5/16**

Officer opening Custody Record:
Signature: *[Signature]*
Name: **Casey**
Rank: **TS** No: **77**

Suriname: **SOERING**
First Names: **JENS**
Address: **N.F.A.**
Occupation: **STUDENT**
Age: **19** D.O.B: **11/8/1966**
Place of Birth: **BANGKOK THAILAND**
Ident. code: **1** Height: **5'11"** Sex: **M**

Arrested by: **TERRY WRIGHTS**
Name: **TERRY WRIGHTS**
Rank: **A/DC** No.: **-** Station or Branch: **TR**

	Time	Date
Arrested at	12:10 PM	5/16
Arrived at station	12:15 PM	5/16

Officer in the case:
Name: **PETER STEPHENSON**
Rank: **DI** No.: **-** Station or Branch: **TR**

PROPERTY CLEAR
SUPERVISING OFFICERS INITIALS: *[Signature]*

Property

Kept by Person Detained		Police
1	Total Personal Cash £ 3.03p.	A
2	QUANTITY OF CLOTHING	D
3	ONCE/WALLET CONTAINING	D
4	KEYS/KEYRING + TRAVELING	D
5	ALARM CLOCK	D
6	QUANTITY OF TOILETRIES	B
7	QUANTITY OF FOOD + DRINK	C
<i>[Signature]</i>		

1

1706

Last review of detention conducted at:

Custody No: 1706

Name: SOKING

Date	Time	Full details of any action/occurrence involving the detained person (Include full particulars of all visitors/officers) Individual entries need not be restricted to one line All entries to be signed by the writer
5/1	11:00p	inhalation to detain guard, arrested on suspicion of murder in v.d. - M1175 how day commences warrant granted by the court - M1175 To be held incommunicado covering, arrangements to be obtained by Dept. - M1175
	145p	Full meal supplied M1175
	2:15p	taken over as custody officer visit to request
	2:35p	visit well to request M1175
	3:25p	taken to D.I. officer for investigation Regard of Code of Conduct - D/S Seaver Kenneth Bernard
	5:28p	Returned to Charge Room no untoward incident took place whilst at interview spoke to Keith Barber at + 301. Schuster M1175
	6:15p	Taken for interview by D/S Seaver, officer present of R.C. Kenneth Bernard, Regard
	6:45p	Returned to cell no untoward incident took place
	7:05p	Hair of ears supplied M1175
	7:45p	Requested a phone call to German Embassy this was allowed and he phoned 235 5033 and spoke to Mr Benz the night security; being unable to speak to anyone he stated he would ring back tomorrow M1175
	7:50p	Placed back in cell, whilst being taken to cell he requested that he speak to D/S Seaver and D/I Wright as soon as possible as he felt it was the right time to talk M1175
	7:55p	Contacted D/I Wright who then attended the charge room with D/S Seaver M1175
	7:59pm	I now wish to speak to D/S Seaver & D/I Wright without my solicitor being present. M1175
	8:02p	taken to D.I. officer by D/S Seaver Regard of Code of Conduct. Kenneth Bernard M1175
	11:14p	Return to cell no incidents M1175
	12:14pm	Checked asleep. W/pt 200689
	1:14pm	Checked asleep. W/pt 200689
	2:14pm	Checked asleep. W/pt 200689
	3:14pm	Checked asleep. W/pt 200689

2

Custody No: 1106 Last review of detention conducted at: 2

Name: SOERING.

Date	Time	Full details of any action/occurrence involving the detained person (Include full particulars of all visitors/officers) Individual entries need not be restricted to one line All entries to be signed by the writer
6.6.86	3.30am	No change in circumstances. Detainee under Commitment Warrant to Police Custody from Richmond Magistrates Court. 21 in court
	4.14pm	Checked on sleep by M. J. Smith
	5.44pm	Checked on sleep. M. J. Smith
6.6.86	6.00am	Upon arrival of custody officer, checked in cell, asleep
		at court. M. J. Smith
6.6.86	7.00am	Checked in cell, asleep, all correct M. J. Smith
"	8.00am	Checked in cell, awake, all correct M. J. Smith
"	8.23am	Accepted a light meal to be served M. J. Smith
	9.20am	Out of cell to see work. Fault in male cell passage, information passed to him, did not want a change of duty M. J. Smith
	9.46am	Back in cell, no incident M. J. Smith
	10.05am	Very unhappy 235-5033, unable to speak to person he wanted, told a story but at about 11am, call concluded 10.11am, but in cell, no incident M. J. Smith
	10.13am	He also says reports he does not speak to police officer until he has spoken to embassy M. J. Smith
	11.00am	Handed up his embassy 235-5033, as requested, call concluded 11.11am, stated person who knows about his case was not there and would not be there until 3.00pm. Request to speak to DS Bevan M. J. Smith
	11.17am	Out of cell to see sub-judge with DS Bevan and DC Wainwright as requested by person. All explained & correct. Very bright. M. J. Smith
	1.26pm	Back in cell, no incident M. J. Smith
6.6.86	1.39pm	Entered cell no. 3 with DS BEEVER. Took possession of piece of white paper (form 990) becoming rough sketch paper. No incident
	1.56pm	Go in with M. J. Smith, M. J. Smith
	2pm	Taken over custody of prisoner, checked and well. David Walsh
	3pm	checked and well. David Walsh
	4pm	checked and well. David Walsh
	5pm	checked and well. David Walsh
	6pm	checked and well. David Walsh

3

METROPOLITAN POLICE

Form 57F

Custody Record - Continuation Sheet

Custody No. 1106

Last review of detention conducted at



Name: SOERING

Date	Time	Full details of any action/occurrence involving the detained person (include full particulars of all visitors/officers) Individual entries need not be restricted to one line All entries to be signed by the writer
6.6.86	6.55p	Meal supplied
6.6.86	8.20p	Visit - checked and well. David Walker
	9.30p	Reviewed - not for detention. No change in circumstances of man. [Signature]
7.6.86	10pm	Visit checked and well. [Signature]
	1.45a	Debaused visits due to other prisoners. [Signature]
	2.45am	Visit Asleep. [Signature]
	3.45a	Visit Asleep. [Signature]
	4.45a	Visit Asleep. [Signature]
	5.45a	Visit Asleep. [Signature]
7.6.86	6am	Prisoner asleep in cell - not disturbed until on a committ ordered to reappear at 9.6.86. No food. [Signature]
	7am	Asleep in cell. [Signature]
	8am	Small breakfast in cell. [Signature]
	9am	Cell cleaned - allowed to wash. no requests. [Signature]
	10am	Let change room for exercise. Unable to take it apart for purpose of press photographs in vicinity. [Signature]
	10.25am	Admitted to cell - no requests. [Signature]
	11.50am	Let out of cell by [Signature] in the office. [Signature]
	12.25pm	Return to change room & request made by [Signature] to speak to Mr. Quessell (Verdicts Investigation) [Signature]. Terry Wright, I wish to speak to Mr. Quessell & I am willing for this to take place without a solicitor or attorney. [Signature]
	12.27pm	Return to cell. [Signature]
	1+	To show in custody of Mr. Beever, Mr. Wright & then to D.C.I. office to speak to Mr. Quessell. Prisoner's rights explained. [Signature]

(4)

Custody No. 1106
 Name: SOERLING

Last review of detention conducted at

Date	Time	Full details of any action/occurrence involving the detained person (include full particulars of all visitors/officers) Individual entries need not be restricted to one line All entries to be signed by the writer
R 7/6	1:30p	Search made in D.C.'s office (Thurston's)
7/6	3:30p	In D.C.'s office (interview) No change in circumstances appear. L. Hoff. P.D.
	4:37p	Person refused to cell. No immediate demand. W. H. H. H.
	5:30p	Meal supplied
	6:30p	Visit. v. well
	7:30p	Vent checked and well. Over road. Motric. W. H. H. H.
	8:30p	Vent checked and well. W. H. H. H.
	9:40a	Took over custody, checked out and well, no complaint.
	10:40a	Visit, fit and well, no complaint.
	11:40a	Visit, fit and well, first entry, not reviewed.
80%	12:40a	Visit, fit and well, first entry, not reviewed.
	1:40a	Visit, fit and well, first entry, not reviewed.
	2:40a	Visit, fit and well, first entry, not reviewed.
	3:40a	Visit, fit and well, first entry, not reviewed.
R	4:15a	Reviewed. No change of circumstances.
	5:15a	Visit, fit and well, first entry, not reviewed.
	6a	Visit on taking over for night. W. H. H. H.
	6:55a	Visit asleep & breathe. W. H. H. H.
	8a	Visit asleep & breathe. W. H. H. H.
	9a	Visit awake and well. W. H. H. H.
	9:30a	Refused breakfast but had cup of tea. W. H. H. H.
	10:50a	Visit well no requests. W. H. H. H.
	11:25a	Visit well no requests.
	12:30a	Vent ask if he wanted dinner he refused. W. H. H. H.
	1:35p	no reasons
	1:35p	Visit no request. W. H. H. H.

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Form 57F

METROPOLITAN POLICE

Custody Record—Continuation Sheet

Last review of detention conducted at:

Custody No. 1106

Name SOEKING

Date	Time	Full details of any action/occurrence involving the detained person (include full particulars of all visitors/officers) Individual entries need not be restricted to one line All entries to be signed by the writer
8/26	2pm	Taken over custody of prisoner checked and well. David Walby, Sgt
	3pm	Visit checked and well. David Walby, Sgt
	4pm	Visit checked and well. David Walby, Sgt
	4:30pm	Prisoner requested to speak to DC Beavel. DC Beavel contacted and spoke through wicket from 4:30 to 4:45. No incident but prisoner requests to speak to Investigator GARDNER from cell. David Walby, N Brown, DC.
	4:45pm	Prisoner removed in order to speak to officer Gardner in DC's office. DC Beavel reports provided copies of notes of meeting N Brown, DC.
	5:30	Relieving Custody Officer for 10pm shift. Prisoner not yet returned to cell.
	6:30	Prisoner - Entered in error refer cell 1105
	9:45pm	Prisoner returned to cell after interview. No incident. Provided with Bandana and a cup of tea. David Walby, DC.
	9:50pm	Hand out, checked fit and well, no complaint. "Everything is wonderful." Plus felt.
	10:50pm	Visited, fit and well, foot ache. Plus felt.
	11:50pm	Visited, fit and well, foot ache. Plus felt.
9/26	12:44am	Visited, fit and well, foot ache. Plus felt.
9/26	1:20a	Review - No change in circumstances. appearing OK court a.m. 9/26.
9/26	2:15a	Visited, fit and well, foot ache. Plus felt.
	3:15am	Visited, fit and well, foot ache. Plus felt.
	4:15am	Visited, fit and well, foot ache. Plus felt.
	5:15am	Visited, fit and well, foot ache. Plus felt.
9/26	6 AM	Taken over as of Custody. Prisoner asleep. a. M. then not roused. Plus felt.
	7	Woke asleep. breathy. Plus felt.
	8	Woke awake and well. Plus felt.
	8:30	Breakfast served.

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Custody No: 1106
 Name: SOERING

Last review of detention conducted at:

Date	Time	Full details of any action/occurrence involving the detained person (include full particulars of all visitors/officers) Individual entries need not be restricted to one line All entries to be signed by the writer
9 ⁶ /86	9 ⁰⁰	Removed from cell by myself for work and clean up returned no incidents. W.H. 115
	9 ³⁰	Taken from cell to T.A. Court by PC 424, 587. W.H. 968
	9 ³⁰	Released from Police Custody W.H. 115
		1) Rec Adv
		2) Rec Adv
		3) Gov of equip to Lm
		4) Rec Adv
		(1)-(3) 12. K. 1/2 cont.
		To pay \$1400 compensat. to Lloyd Bank etc of 89 St Austers St Canterbury. Rent and \$650 compensat. to Muller Bank etc of 43 Miller Street Bath. Also jointly & severally with co defendant Elizabeth Boxer Hagan

Page No: