THE CHUCK REID REPORT

on the Haysom / Soering Case

The Chuck Reid Report on the Haysom/Soering Case

Chuck Reid

Imprint

Bibliographical Information of the German National Library

The German National Library has registered this publication in the German National Bibliography. Detailed bibliographical data is available in the Internet through http://dnb.dnb.de.

ISBN: 978 – 3 – 9825650 – 3 – 3

THEMATIC TABLE OF CONTENTS

Introduction

I'm Chuck Reid, and back in 1985, I served as the Bedford County Sheriff's Department Senior Investigator on the Haysom double-murder case for most of the year. During that time, every piece of case evidence collected by the investigative team came across my desk.

When the murders were discovered on April 3, 1985, I was among the first officers to arrive at the crime scene. For the initial two months, I collaborated with the Regional Homicide Squad, and then I took over the case with Ricky Gardner, a young officer new to the investigative unit.

It's no secret that Ricky and I have different views on this case. That doesn't change the fact that I recognize his performance during the first seven months of the investigation as a job well done.

After Jens Soering and Elizabeth Haysom left the U.S. in October 1985, the case went cold, and it eventually landed completely in Ricky's hands. Meanwhile, we worked on a separate murder case together. Then, I took a brief retirement in April 1986 and later returned to the Bedford County Sheriff's Department. I had no further involvement in the Haysom case until my retirement in 1998.

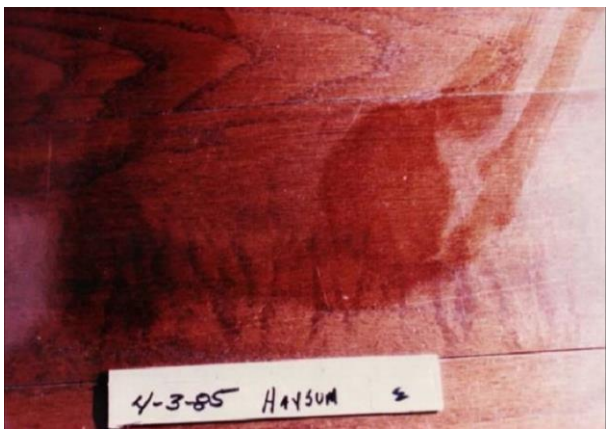
I'm publishing this report because, after Jens Soering's release and return to Germany in 2019, a peculiar dynamic has arisen that no longer has anything to do with a realistic view of the case, the evidence or the law. Criminology, justice, media and society should not be about creating myths and theories or distorting facts. But that has been happening in the Haysom/Soering case since 2019.

Some people have started spreading theories that are clearly wrong. In this report, I would like to set the facts straight. Everyone has the right to his or her own opinion, but untruths and false claims have to be called out.

The sock print

The first and perhaps most important false claim that I'd like to address is the ridiculous notion that one can identify someone by means of a sock print. Below is a picture of the sock print that was found at the crime scene and presented as evidence in court.

From the crime scene photos:



Anyone can see that the print is smeared and the foot was covered by a sock. There are no dermal ridges, like in a fingerprint. I have thirty years' experience in law enforcement and worked many cases where the suspect wore gloves. Never once could I prove guilt based on a glove print.

With the sock print above, we have no information on what kind of sock it was — wool, nylon, etc. — or how thick the material was. The thicker the material, the more blood is absorbed, and the larger the print appears.

At Soering's trial, that sock print was compared to various suspects' ink footprints — in other words, prints of feet *without socks*. That's like comparing apples and oranges! It's hard to believe this was even allowed into court, and I'm sure it would not be today.

Back in 1985, we realized that the sock print had only limited value as evidence when we received a report from the state forensic lab dated August 29. Based on that report, the sock print could have been left by Haysom's half-brother, Julian. But by that time, we had eliminated Julian on other grounds, so we knew he hadn't left the print. It just looked like his, but that didn't mean anything.

The only thing you can really do with a sock print like this is to eliminate suspects whose feet are very much larger or very much smaller. We eliminated a young woman as a suspect because she had very small feet. But anyone with that approximate size foot could have left the print at the scene.

Jens Soering and Elizabeth Haysom as co-perpetrators

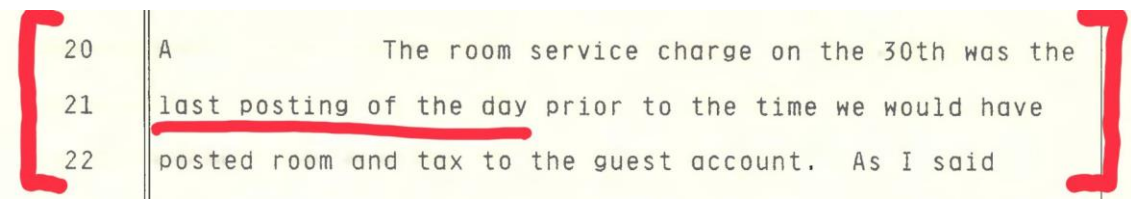
When, after decades, people can no longer find something new to say about the case, they resort to absurd theories to keep the debate going. A glaring example: the claim that Soering and Haysom committed the crime together. This theory is so obviously false that I find it hard to believe that anyone made it up.

Let me say it clearly, as the original Bedford County Sheriff's Department Senior Investigator on the Haysom case: Soering and Haysom did *not* kill Derek and Nancy Haysom together. The evidence shows clearly that *one* of them stayed in Washington while the other one drove to Bedford.

How can I be so sure? Because of Yale Feldman.

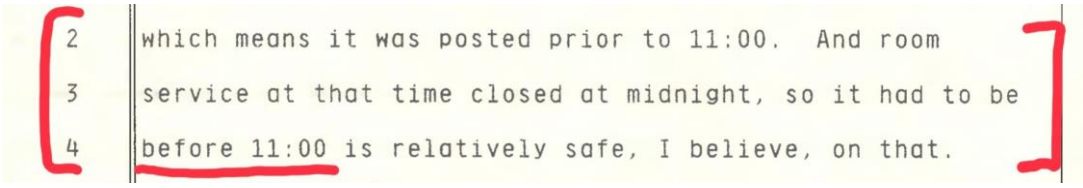
Mr. Feldman was the manager of the Marriott Hotel, where Soering and Haysom stayed on the weekend of the murders. On the night of the crime — March 30, 1985 — one of them ordered two meals on room service for $33 in order to provide an alibi for the other one. According to Mr. Feldman, that room service order was the last posting of the day on March 30.

From the trial transcript of June 6, 1990, page 141:

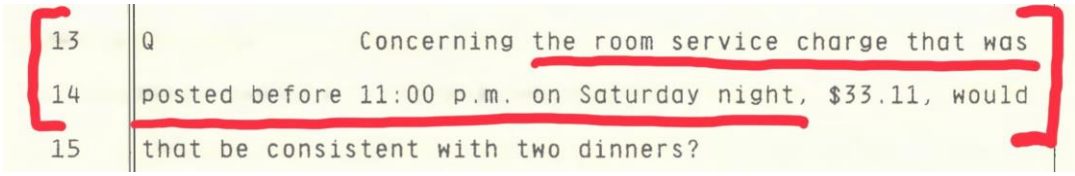

20 A The room service charge on the 30th was the
21 last posting of the day prior to the time we would have
22 posted room and tax to the guest account. As I said

That last posting would have been made not long before 11 p.m.

From the trial transcript of June 6, 1990, page 142:


2 which means it was posted prior to 11:00. And room
3 service at that time closed at midnight, so it had to be
4 before 11:00 is relatively safe, I believe, on that.

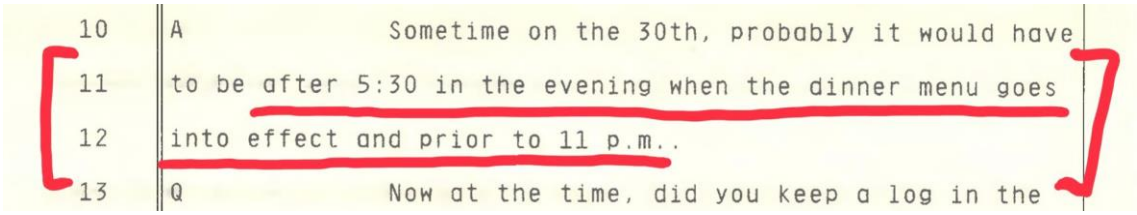
The prosecutor accepted the testimony of Mr. Feldman to be true, as one of his follow-up questions shows. From the trial transcript of June 6, 1990, page 143:


13 Q Concerning the room service charge that was
14 posted before 11:00 p.m. on Saturday night, $33.11, would
15 that be consistent with two dinners?

Soering's defense lawyer also accepted the testimony of Mr. Feldman as true. Why would Mr. Feldman commit perjury about the time of the room service?

In any case, the room service order could not have been placed before 5:30 p.m. because the dinner menu did not go into effect until then.

From the trial transcript of June 6, 1990, p. 149:


10 A Sometime on the 30th, probably it would have
11 to be after 5:30 in the evening when the dinner menu goes
12 into effect and prior to 11 p.m..
13 Q Now at the time, did you keep a log in the

If the room service had been ordered at precisely 5:30 p.m., as soon as the dinner menu went into effect, the meals would have to be cooked, delivered to the room and signed for before Soering and Haysom could leave. Their actual departure time could not have been before 6:00 p.m.

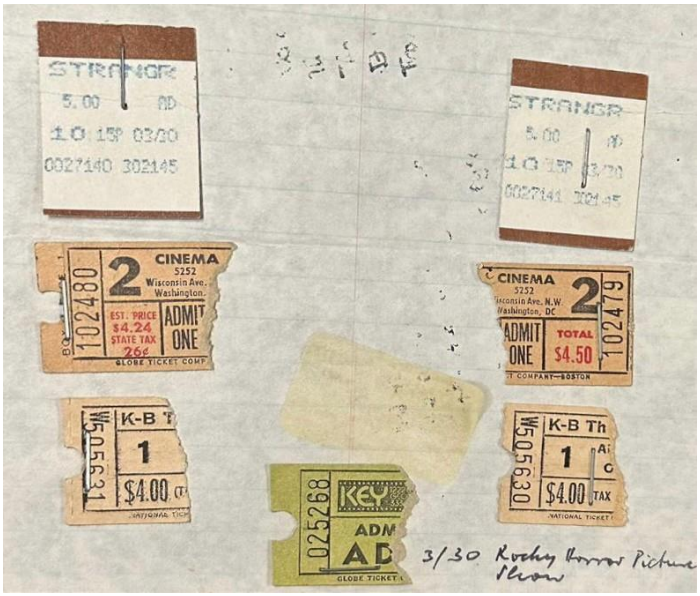
In 1985, the speed limit of 55 mph was still in effect, so the drive from the Georgetown Marriott to the Haysom residence would have taken at least four hours, especially considering that most of it would have been at night, in part over small, winding country roads.

That means that Soering and Haysom — if they had traveled together — would have arrived no earlier than 10 p.m., more likely 10:30 p.m. The evidence at the crime scene shows that the killer(s) drank alcohol with the victims and probably shared a snack (ice cream) with them before the attack began.

And all of that is supposed to have happened between 10:30 and 11:00 p.m.? I don't believe it, and neither does any other investigator who's looked at this case.

In addition to Mr. Feldman's testimony about the room service, there are also movie tickets and a cashed check dated March 30 that *one* of them collected as an alibi for the *other* one.

From the trial exhibits:



After Soering's trial, his lawyer contacted the manager of the theater that showed the movie "Stranger than paradise" at 10:15 p.m. on the night of the murders. Those are the tickets at the top of the photograph above. The manager said that the tickets were sequentially numbered in order of the sale, *regardless of the show time*. This means that the manager could determine from the numbers of the tickets (27140 and 27141) at what approximate time of day they were bought. According to the movie theater manager, those two tickets were purchased either as one of the last tickets for the 8 p.m. showing or one of the first tickets for the 10:15 p.m. showing.

From Richard Neaton's letter of September 25, 1991:

purchased before the 6:00pm show. Therefore, it is highly likely according to the movie theater representative that your tickets were purchased shortly before the 8:00pm show or as one of the first tickets sold for the 10:15pm show. The theater cannot tell

In combination, the testimony of Yale Feldman and the statement from the movie theater manager prove beyond any reasonable doubt that either Soering or Haysom was in Washington, D.C. while the other one was in Bedford. No investigator that I'm aware of has ever doubted that. So I really have to wonder about the motives of the people who spread nonsense, like the theory that Soering and Haysom committed the crime together. Are the people spreading this nonsense trying to make a name for themselves by pretending they "solved" the case?

Terry Wright and his report

Another person whose motives I wonder about is Terry Wright. He is one of the British investigators who assisted Ricky during his questioning of Soering in London in 1986. More than 33 years later,

after Soering was paroled, Mr. Wright released a report about the case in which he tries to prove Soering's guilt.

Why would he bother to do that? Soering was paroled; he didn't receive a pardon. Legally, he is a convicted double-murderer. Why would anyone write a report trying to prove *that* all over again? What does Mr. Wright have to gain by this — except maybe fame? In his report, he makes it sound like he solved the case all by himself!

Some folks seem to think that Mr. Wright's report holds weight. But in my opinion, it's full of false statements, wrong facts, and misguided conclusions.

That's not surprising since Terry Wright didn't play any role in the original investigation; he wasn't even aware of the Haysom murders until the following year. He admitted that in a German-language podcast that has a "bonus episode" in English. At minute 5:59, he says:

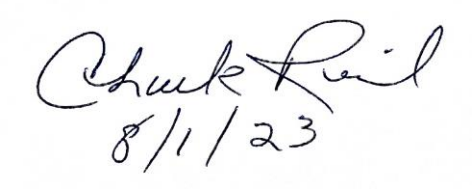
> *"I was never involved in the forensics in the 1980s. That had all been done in America before I got involved. A lot of the stuff that went on I was not a party to because I was a witness. In the last few months, after the report (i.e., his own) was published, I've taken a very close look."*

Terry Wright is entitled to his opinion, but it's just that: *one* opinion. At the end of this report, I have included an appendix in which I address some of the problems with his report. I am prepared to speak with Terry Wright personally and at length at any time.

My goal is to provide a complete record of the facts and evidence, with as little opinion as possible. Readers can make up their own minds about what the evidence suggests. Now, I couldn't avoid all opinions, especially regarding some of the more bizarre statements about the case: for example, the claim that Jens Soering bribed highly respected scientists to get favorable DNA reports. That is just too stupid to take seriously.

As we look at the evidence against Soering, you might be surprised by how little there actually is. Now, it's not impossible that Soering was at the house when the murders happened. But if he was, he left no forensic evidence behind — which would be a miracle, given slaughter that took place at the crime scene.

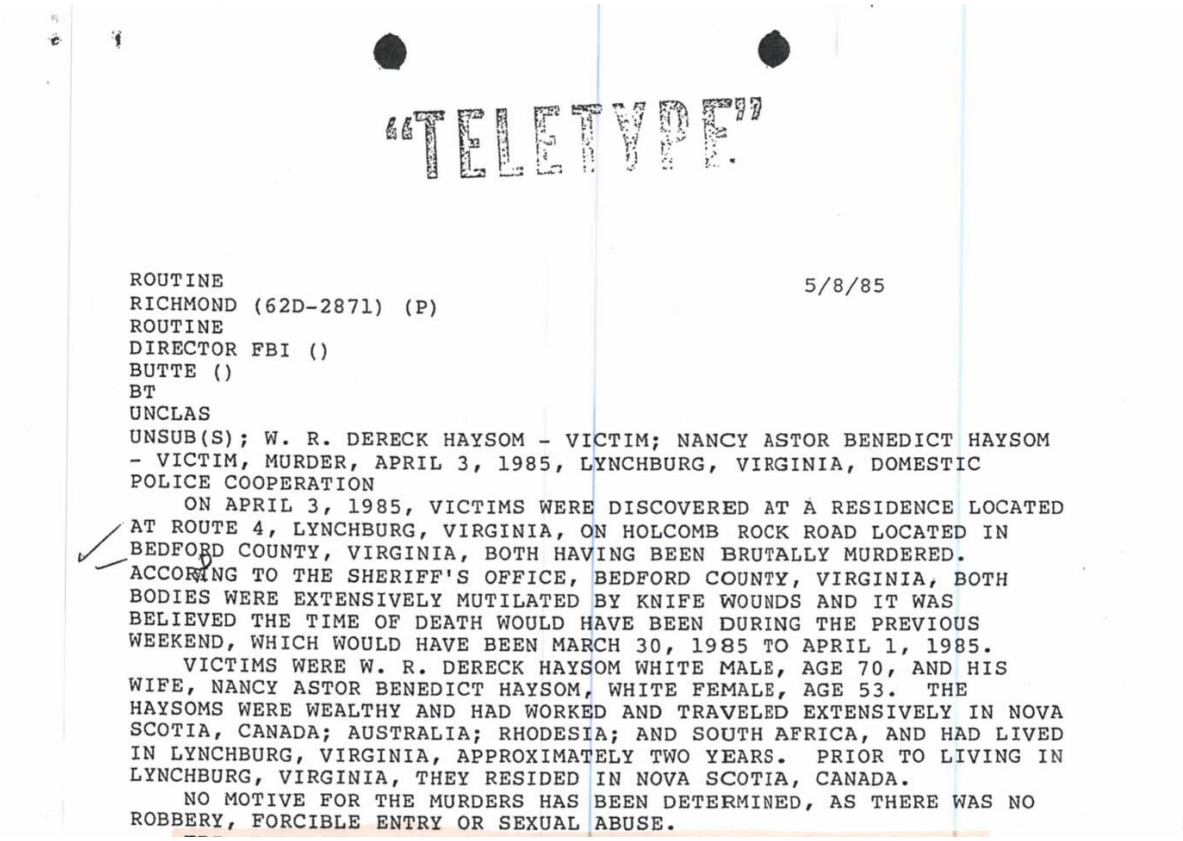
Interested readers can follow the development of the case evidence in chronological order below.



April 3, 1985

A friend of the Haysom family, Annie Massie, visits the home of Derek and Nancy Haysom aser being unable to reach her best friend, Nancy, by phone for days. She discovers that the couple was murdered.

At the <me, the Haysoms were living as a respectable re<red couple in Boonsboro, Bedford County, an affluent suburb of Lynchburg, Virginia. From the FBI file on the Haysom murders:



"TELETYPE"

ROUTINE 5/8/85
RICHMOND (62D-2871) (P)
ROUTINE
DIRECTOR FBI ()
BUTTE ()
BT
UNCLAS
UNSUB(S); W. R. DERECK HAYSOM - VICTIM; NANCY ASTOR BENEDICT HAYSOM - VICTIM, MURDER, APRIL 3, 1985, LYNCHBURG, VIRGINIA, DOMESTIC POLICE COOPERATION

ON APRIL 3, 1985, VICTIMS WERE DISCOVERED AT A RESIDENCE LOCATED AT ROUTE 4, LYNCHBURG, VIRGINIA, ON HOLCOMB ROCK ROAD LOCATED IN BEDFORD COUNTY, VIRGINIA, BOTH HAVING BEEN BRUTALLY MURDERED. ACCORDING TO THE SHERIFF'S OFFICE, BEDFORD COUNTY, VIRGINIA, BOTH BODIES WERE EXTENSIVELY MUTILATED BY KNIFE WOUNDS AND IT WAS BELIEVED THE TIME OF DEATH WOULD HAVE BEEN DURING THE PREVIOUS WEEKEND, WHICH WOULD HAVE BEEN MARCH 30, 1985 TO APRIL 1, 1985.

VICTIMS WERE W. R. DERECK HAYSOM WHITE MALE, AGE 70, AND HIS WIFE, NANCY ASTOR BENEDICT HAYSOM, WHITE FEMALE, AGE 53. THE HAYSOMS WERE WEALTHY AND HAD WORKED AND TRAVELED EXTENSIVELY IN NOVA SCOTIA, CANADA; AUSTRALIA; RHODESIA; AND SOUTH AFRICA, AND HAD LIVED IN LYNCHBURG, VIRGINIA, APPROXIMATELY TWO YEARS. PRIOR TO LIVING IN LYNCHBURG, VIRGINIA, THEY RESIDED IN NOVA SCOTIA, CANADA.

NO MOTIVE FOR THE MURDERS HAS BEEN DETERMINED, AS THERE WAS NO ROBBERY, FORCIBLE ENTRY OR SEXUAL ABUSE.

April 4, 1985 — A

The case is assigned to me. One of my first conclusions is that there must have been more than one perpetrator.

From an interview with me, published by the Washington Post on March 9, 2017:

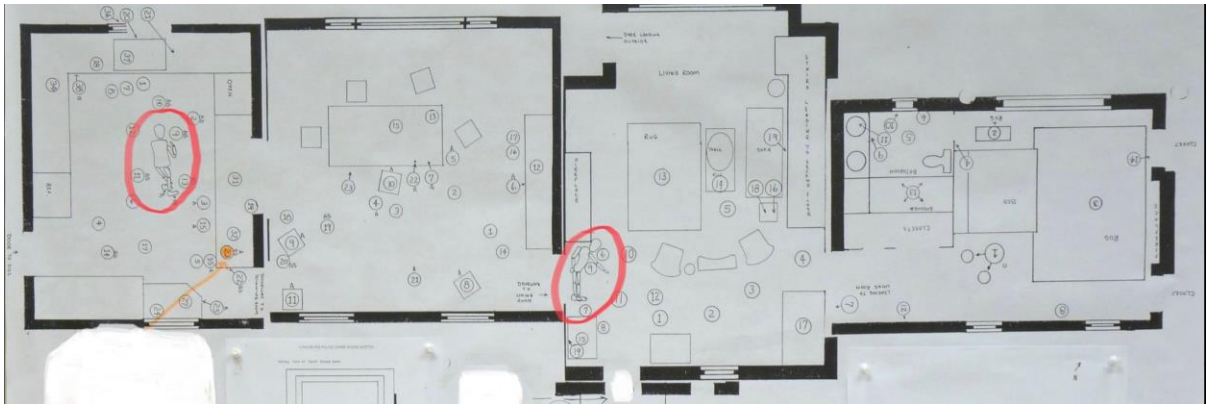
> "I walked in and I said, 'Gosh, what kind of gang did this?' " he said. "You're talking about two people who was pretty much mutilated."
>
> His "gang" theory stemmed not just from the damage to the bodies but to the relative order of their surroundings. "There's no furniture turned over," he said. "To me, it's enough people to take control to where there was really no big fight."

With paywall:
hQps://www.washingtonpost.com/lifestyle/magazine/in-1985-a-gruesome-double-murder-rocked-virginia-was-the-wrong-man-convicted/2017/03/07/44c60742-e8b2-11e6-80c2-30e57e57e05d_story.html

Without paywall:
hQps://www.nzherald.co.nz/world/in-1985-a-gruesome-double-murder-rocked-the-us-what-if-the-wrong-man-was-convicted/MOIPAHMHO6JFE2KWENQULYNFKE/

In addi<on, the Haysoms are found in two widely separated rooms, each of which have doors leading to the outside. This again suggests that more than one perpetrator must have been involved.

From the Lynchburg Police Department crime scene sketches:
(The individual room sketches were combined by Sheriff J.E. “Chip” Harding.)



April 4, 1985 — B

In forensic work, luminol is an essen<al aspect when it comes to the examina<on and detec<on of blood. Luminol reacts to the smallest traces of blood long aser all visible traces have disappeared. These blood traces become visible under UV light - even at pinhead size.

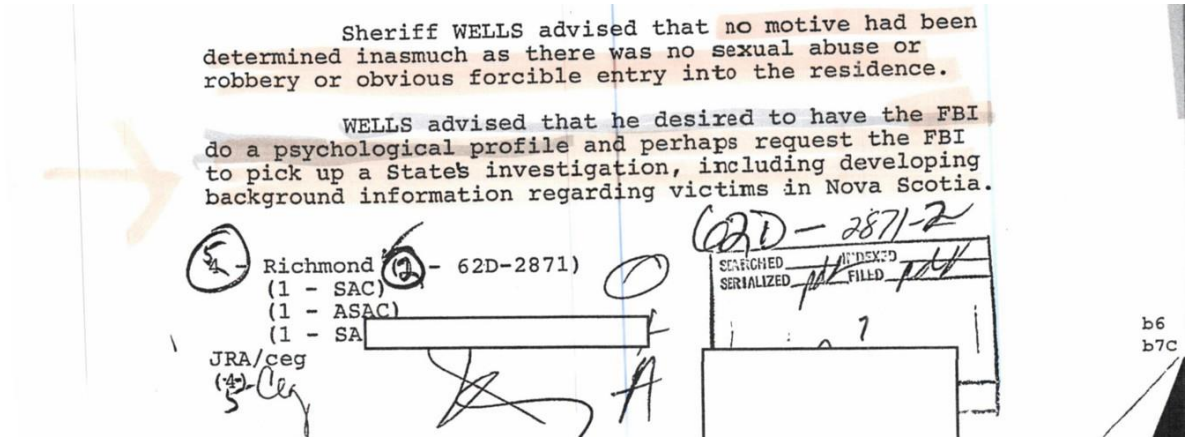
The luminol issue is essen<al in the Haysom murder case because I myself did the tes<ng on the rental car but was never able to present my results in court.
A luminol examina<on of the bathroom at the crime scene reveals that the perpetrator(s) took a shower aser commiwng the crime, washing off large quan<<es of blood.

From the crime scene photographs:

April 5, 1985

Bedford County Sheriff Carl H. Wells asks the FBI to perform a psychological profile.

From the FBI file on the Haysom murders:



Sheriff WELLS advised that no motive had been determined inasmuch as there was no sexual abuse or robbery or obvious forcible entry into the residence.

WELLS advised that he desired to have the FBI do a psychological profile and perhaps request the FBI to pick up a State's investigation, including developing background information regarding victims in Nova Scotia.

Richmond - 62D-2871)
(1 - SAC)
(1 - ASAC)
(1 - SA
JRA/ceg
(4)

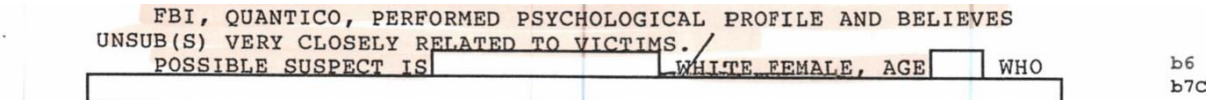
62D-2871-2
SEARCHED INDEXED
SERIALIZED FILED

b6
b7C

The FBI grants Sheriff Wells' request and performs a psychological profile.

From the FBI file on the Haysom murders:

(The FBI redacted the female suspect's name before releasing the document below under a Freedom of Informa<on Act request.)

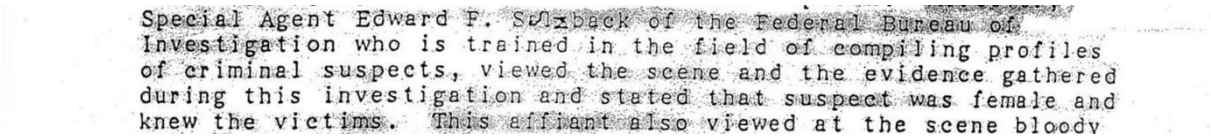


FBI, QUANTICO, PERFORMED PSYCHOLOGICAL PROFILE AND BELIEVES UNSUB(S) VERY CLOSELY RELATED TO VICTIMS.
POSSIBLE SUSPECT IS [redacted] WHITE FEMALE, AGE [redacted] WHO

b6
b7C

FBI Special Agent and Profiler Edward F. Sulzbach determines that the murders were commiQed by a woman in a close rela<onship to the vic<ms.

From prosecutor James W. Updike's leQer of June 18, 1985:



Special Agent Edward F. Sulzback of the Federal Bureau of Investigation 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 suspect was female and knew the victims. This affiant also viewed at the scene bloody

In an interview for the documentary film "Killing for love," Sulzbach says that he "seQled on the daughter" as the likeliest killer. (This film/series is no longer available on streaming services, but DVDs are s<ll available for purchase.)

April 6, 1985

Derek and Nancy Haysom's daughter Haysom, is a student at the University of Virginia, CharloQesville. She is first interrogated on April 6, 1985, and immediately throws suspicion on another woman, Fontaine.

From the trial transcript of August 11, 1987, page 11:

she told me in this interview, that maybe she was sort of making it appear that Fontaine could possibly have murdered her parents, and she said that yes, that she was just trying to save her skin.

Q Save her skin?

A Yes, sir.

Q By making it look in April of '85 like Fontaine had done it, is that correct?

A Yes, sir.

Q And she and Fontaine were supposedly friends, weren't they?

A Yes, sir.

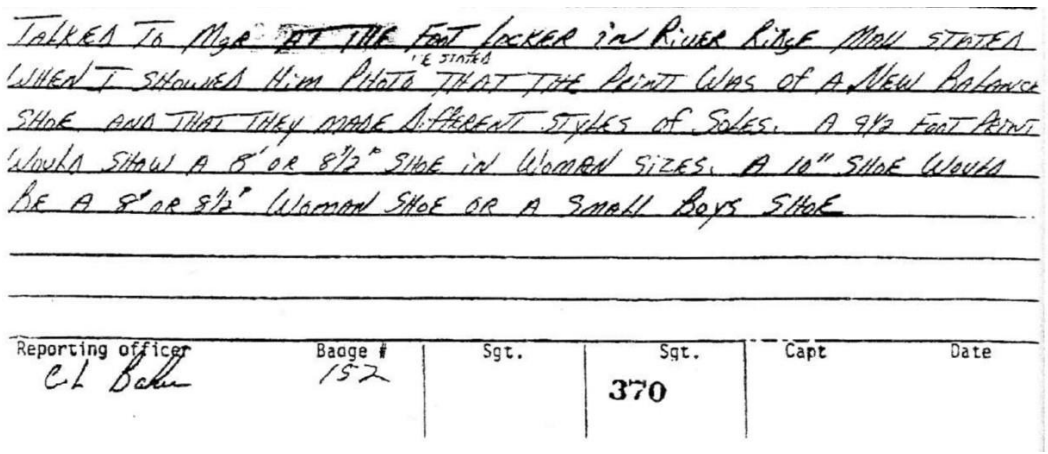
Q And when you talked to Elizabeth Haysom about Fontaine initially on April the 6th, 1985, that being the first interview we just heard--

A Yes, sir.

April 8, 1985

We (the Regional Homicide Squad and the Bedford County Sheriff's Department) learn that a bloody sneaker print at the crime scene, item LR2, was les by a size 8 to 8 ½ woman's shoe.

From Sheriff's Deputy C.L. Baker's report of April 8, 1985:



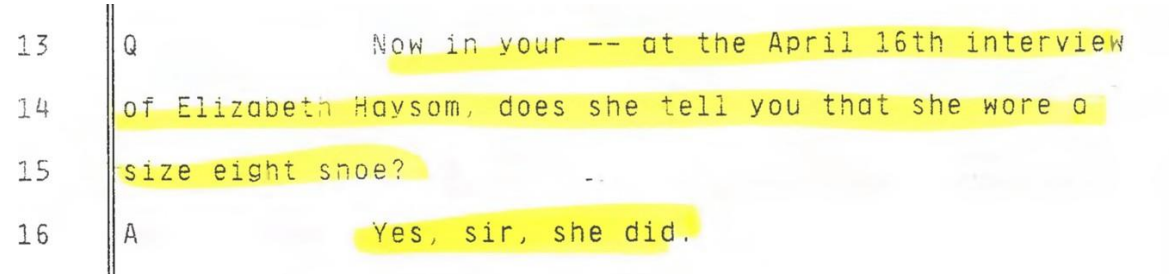
TALKED TO Mgr AT THE FOOT LOCKER in RIVER RIDGE MALL STATED (I STATED) WHEN I SHOWED HIM PHOTO THAT THE PRINT WAS OF A NEW BALANCE SHOE AND THAT THEY MADE DIFFERENT STYLES OF SOLES. A 9½ FOOT PRINT WOULD SHOW A 8' OR 8½" SHOE IN WOMAN SIZES. A 10" SHOE WOULD BE A 8" OR 8½" WOMANS SHOE OR A SMALL BOYS SHOE

Reporting officer	Badge #	Sgt.	Sgt.	Capt	Date
C.L. Baker	152		370		

April 16, 1985 — A

We (the Regional Homicide Squad and the Bedford County Sheriff's Department) learn that Haysom wears a size 8 woman's shoe.

From the trial transcript of June 18, 1990, page 16:



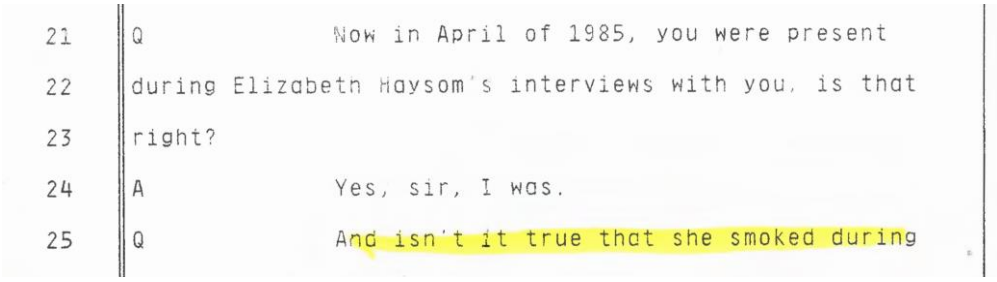
Q Now in your -- at the April 16th interview of Elizabeth Haysom, does she tell you that she wore a size eight shoe?

A Yes, sir, she did.

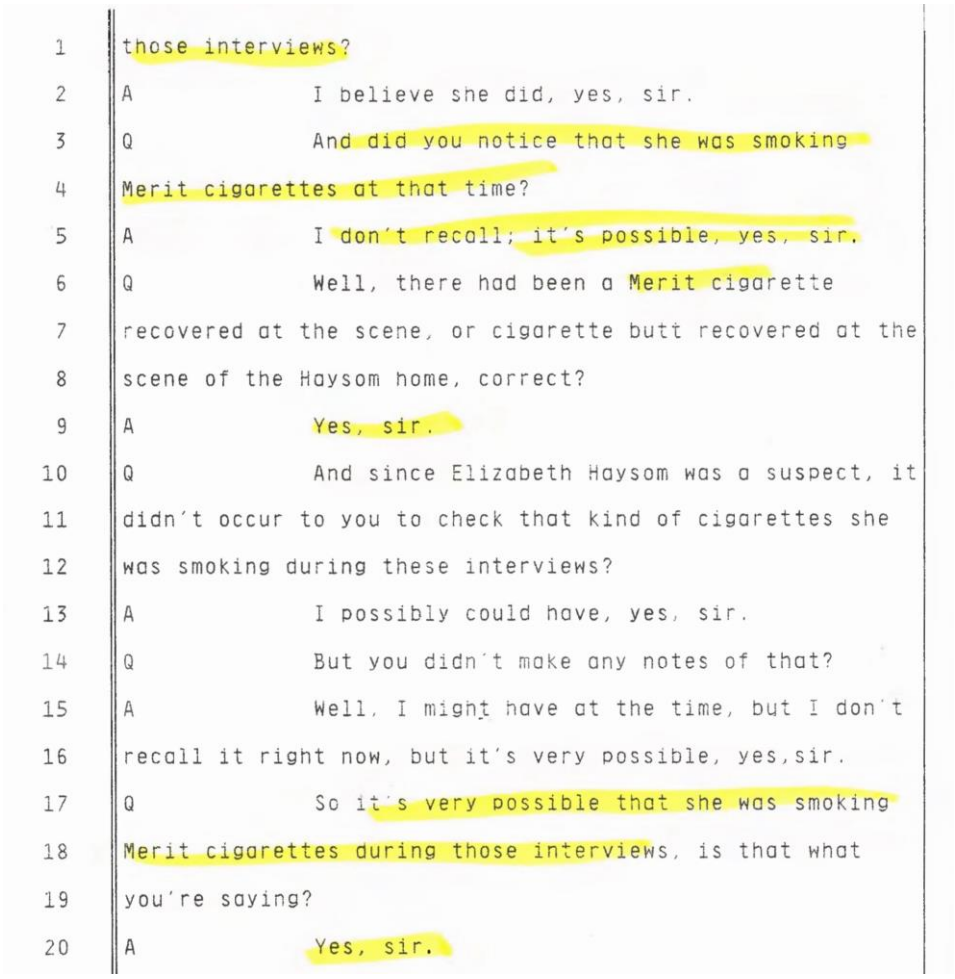
April 16, 1985 — B

We (the Regional Homicide Squad and the Bedford County Sheriff's Department) learn that Haysom smoked Merit cigareQes. Merit cigareQe buQs were recovered next to the front and rear doors of the Haysom house.

From the trial transcript of June 18, 1990, pages 10 and 11 (Ricky tes<fying):



Q Now in April of 1985, you were present during Elizabeth Haysom's interviews with you, is that right?
A Yes, sir, I was.
Q And isn't it true that she smoked during

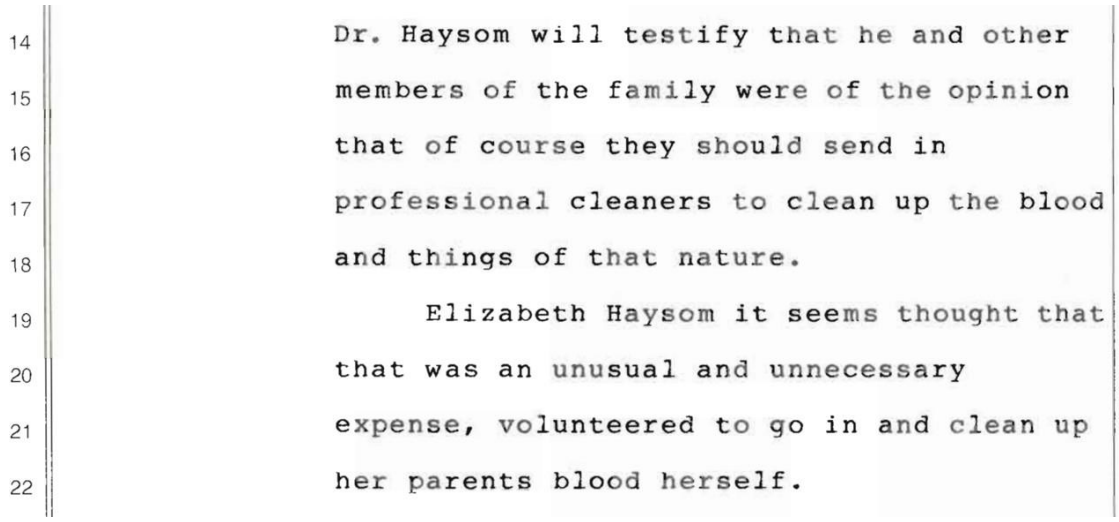


those interviews?
A I believe she did, yes, sir.
Q And did you notice that she was smoking Merit cigarettes at that time?
A I don't recall; it's possible, yes, sir.
Q Well, there had been a Merit cigarette recovered at the scene, or cigarette butt recovered at the scene of the Haysom home, correct?
A Yes, sir.
Q And since Elizabeth Haysom was a suspect, it didn't occur to you to check that kind of cigarettes she was smoking during these interviews?
A I possibly could have, yes, sir.
Q But you didn't make any notes of that?
A Well, I might have at the time, but I don't recall it right now, but it's very possible, yes, sir.
Q So it's very possible that she was smoking Merit cigarettes during those interviews, is that what you're saying?
A Yes, sir.

Late May / early June 1985 — A

Haysom persuades her family that they should clean their parents' house themselves before offering it for sale.

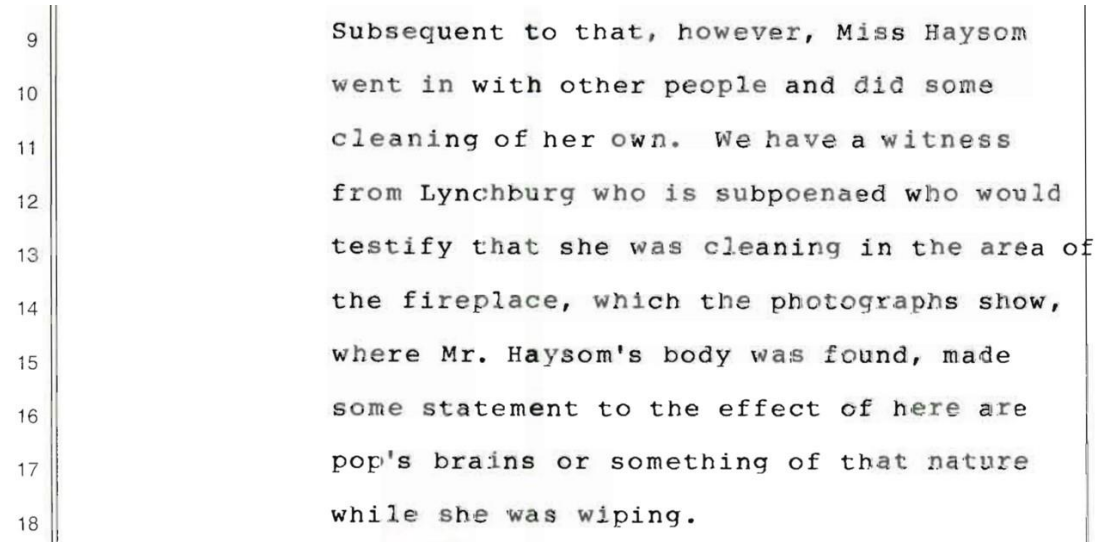
From the trial transcript of August 24, 1987, page 35:



Dr. Haysom will testify that he and other members of the family were of the opinion that of course they should send in professional cleaners to clean up the blood and things of that nature.

Elizabeth Haysom it seems thought that that was an unusual and unnecessary expense, volunteered to go in and clean up her parents blood herself.

From the trial transcript of August 24, 1987, page 36:

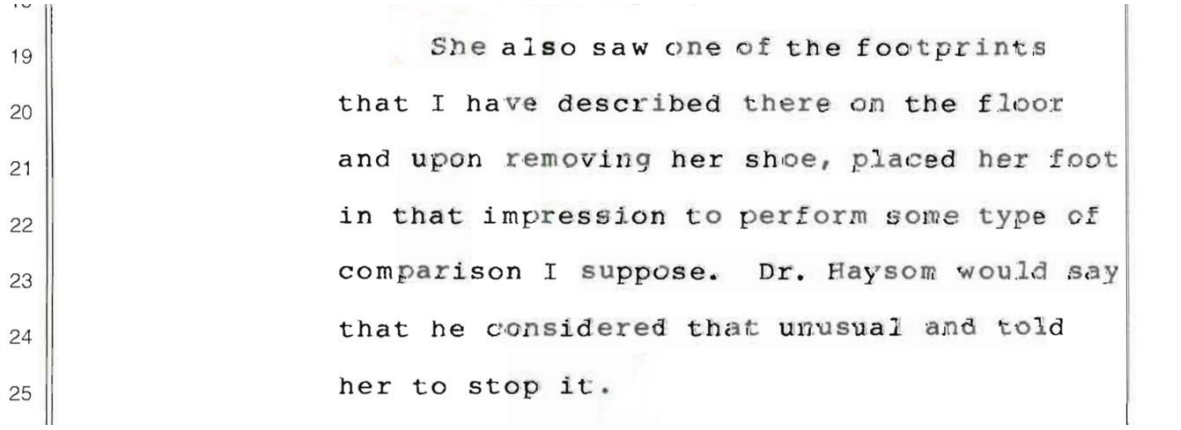


Subsequent to that, however, Miss Haysom went in with other people and did some cleaning of her own. We have a witness from Lynchburg who is subpoenaed who would testify that she was cleaning in the area of the fireplace, which the photographs show, where Mr. Haysom's body was found, made some statement to the effect of here are pop's brains or something of that nature while she was wiping.

Late May / early June 1985 – B

Haysom is observed comparing her foot to a bloody sock print at the crime scene.

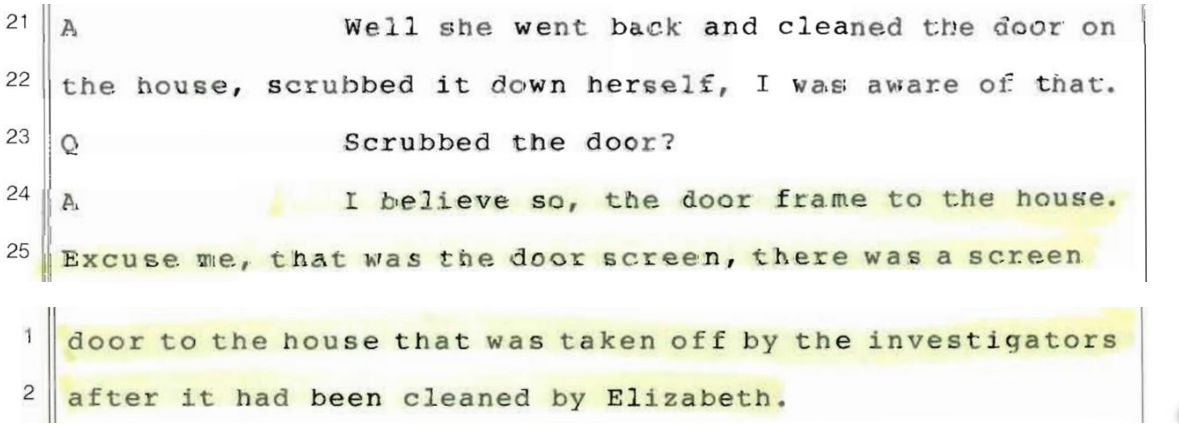
From the trial transcript of August 24, 1987, page 36:



She also saw one of the footprints that I have described there on the floor and upon removing her shoe, placed her foot in that impression to perform some type of comparison I suppose. Dr. Haysom would say that he considered that unusual and told her to stop it.

Haysom is also observed cleaning the front screen door.

From the trial transcript of October 6, 1987, pages 439 and 440:



A Well she went back and cleaned the door on the house, scrubbed it down herself, I was aware of that.
Q Scrubbed the door?
A I believe so, the door frame to the house. Excuse me, that was the door screen, there was a screen door to the house that was taken off by the investigators after it had been cleaned by Elizabeth.

This could be significant because type O blood — presumably the killer's blood — is found on the handle of the door screen: item 6FE. Soering is excluded as a source of item 6FE by DNA tests conducted in 2009, as will be discussed below.

June 7, 1985

The Bureau of Forensic Sciences determines that the sock print at the crime scene corresponds to a size 6 ½ to 7 ½ woman's shoe or a size 5 to 6 man's shoe.

From the Cer<ficate of Analysis:

A full length sock covered, right, foot impression was reproduced in the Item
<3 photograph and the Item LR#5 flooring, bears a full length sock covered, left,
oot impression. It appears that these impressions were made by one individual and
are approximately 9 inches to 9½ inches in length, which corresponds to a size 6½
to 7½ woman's shoe or a size 5 to 6 man's shoe. It should be noted that these foot

June 25, 1985 — A

I perform a luminol test on the car rented by Haysom on the weekend of the murders. I find no trace of blood.

From my leQer to Governor Ralph S. Northam of July 2, 2018:

In the course of my duties as Senior Investigator on the Haysom case, I had occasion to perform luminol testing on the interior of the gray Chevrolet Chevette rented by Elizabeth on the weekend of the murders. The testing took place on June 25th, 1985 at National Car Rental in Charlottesville, Va.

I followed procedure in the performance of the test, and I feel confident in the accuracy of the results I obtained. I had no reaction from the luminol indicating the presence of blood in the interior of the car. Luminol is very sensitive and the chemical within the luminol would have produced a luminating effect once it made contact with the iron in the hemoglobin of the blood. It would have picked up even the smallest molecule of blood. However, there was none, but I continued on and swabbed certain area's of the driver's side if the vehicle. I turned these sample's over to Invest. Steve Rush to be sumitted to the forensic lab for testing.

The accuracy of the luminol test result is confirmed twenty-eight years later, in 2013, by Ricky.

From “Jens Soering: New Turns in Infamous Virginia Case,” by Sandy Hausman, WVTF/Radio iQ, October 30, 2013:

"We did a luminal of the car. Luminal reacts to dried blood or invisible blood, and there was no sign of any blood in the car. Had there been just a minute spot of blood or whatever, the luminal would have still showed up for that."

Soering offered a simple explanation: Elizabeth committed the crime with help from another man and another vehicle. In 2011 the owner of a Bedford County transmission shop – Tony Buchanan – came forward to tell of a car dropped off at his shop shortly after the Haysom murders. When he got to work on Monday, he called the towing company.

Detective Ricky Gardner

hQps://www.wvy.org/law-crime/2013-10-30/Soering-soering-new-turns-in-infamous-virginia-case

June 25, 1985 — B

The luminol test result is further confirmed by Sylvia Moore, the cleaning staff at the car rental company who inspects the car when it's returned to the rental agency on March 31, 1985.

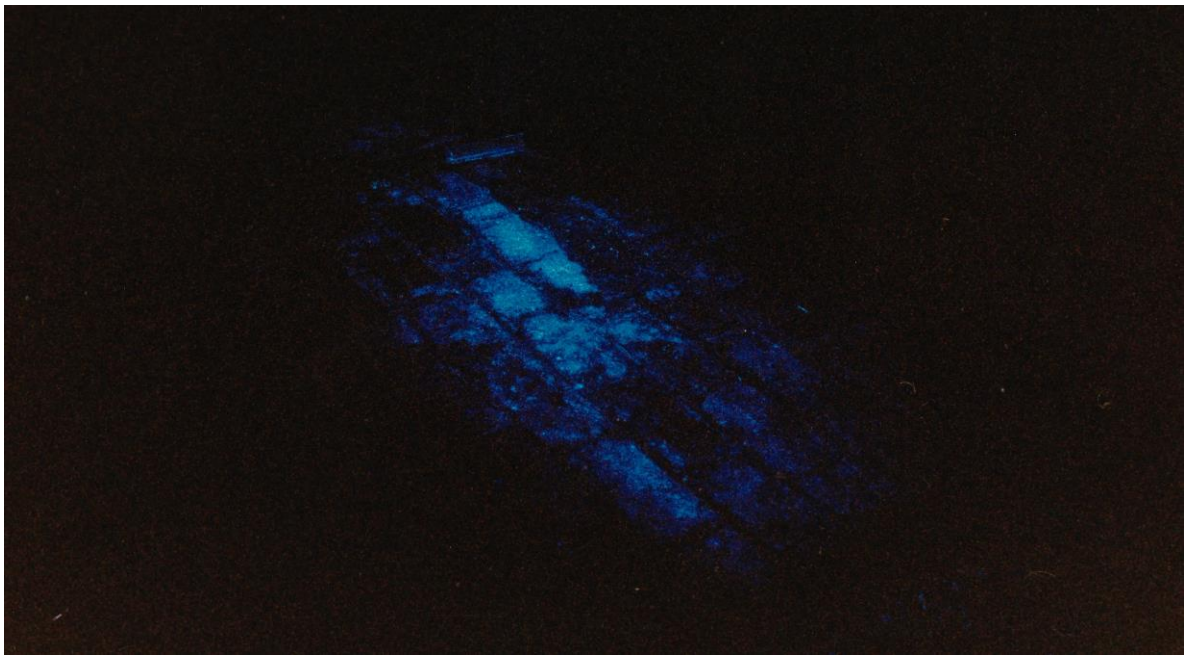
From the trial transcript of June 6, 1990, page 132:

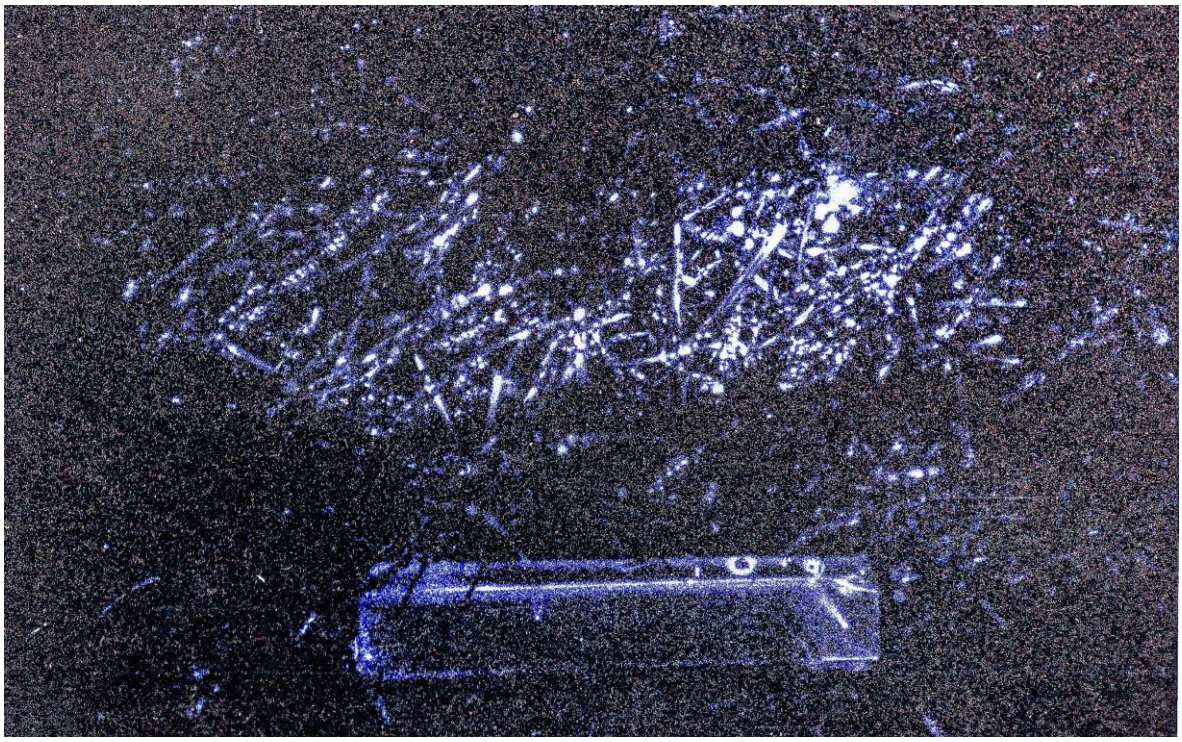
Q Do you remember cleaning this particular car?
A Yes, I do.
Q And how badly did it need cleaning?
A The car didn't need cleaning at all.
Q Didn't need cleaning at all?
A
A No. Most cars when they come back in they're, you know, some wear and tear on them, but the car was clean when it was returned, so mainly all I had to do was the maintenance stuff under the hood. The rest of it was spotless.

June 25, 1985 — C

Luminol tests of the walkway and grass between the house and the driveway show that the killer(s') shoes were s<ll very bloody when they les the house. If the rental car had been used to drive to the crime scene, there should have been blood found in the footwell.

From the crime scene photographs:





July 2, 1985

Haysom's fingerprints are found on an Absolut Vodka boQle near her father's body.

From the Cer<ficate of Analysis:

Two (2) latent fingerprints on Item 17LR (Absolut Vodka bottle) have been identified with the submitted fingerprints of Elizabeth R. Haysom. The remaining latent prints were not identified with any of the submitted fingerprints or palm prints.

Both Derek and Nancy Haysom have elevated blood alcohol levels.

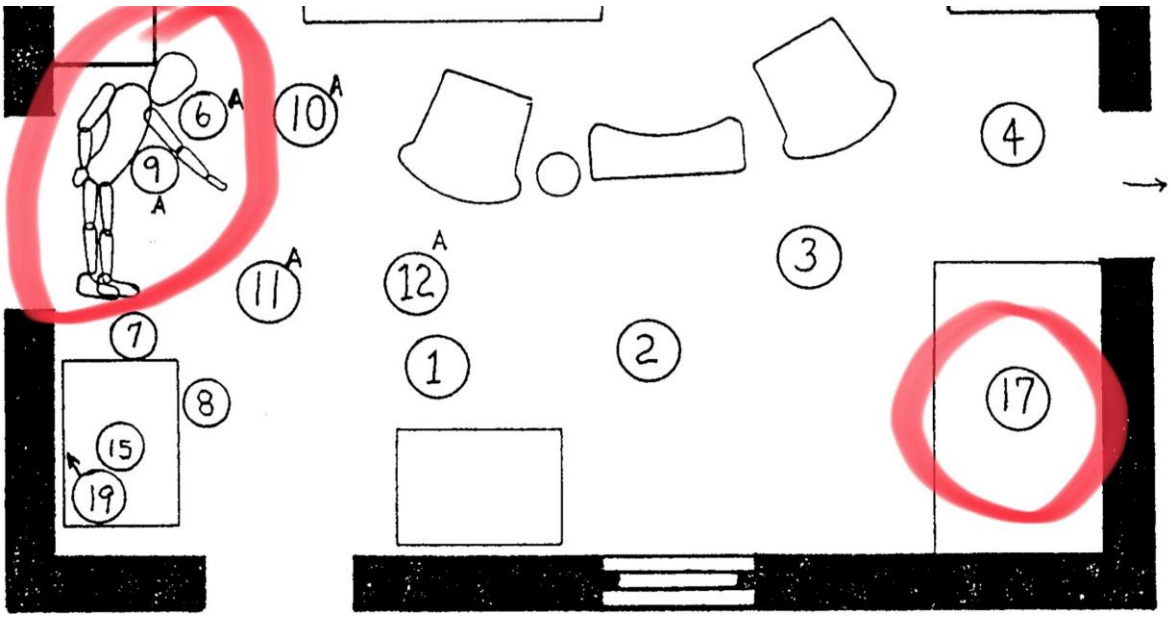
From the two autopsy reports of April 5, 1985:

BLOOD: 0.22% alcohol by weight.
Negative for carbon monoxide.

BLOOD: 0.22% alcohol by weight.
Negative for carbon monoxide.

Derek Haysom's body is found near the bar area with the Absolut Vodka boQle.

From the Lynchburg Police Department crime scene sketches:



Haysom had visited her parents' house one week before the murders, so she could have les her fingerprints on the Absolut Vodka boQle during that visit.

August 12, 1985 — A

Forensic examiner (and later head of the serology sec<on of the Bureau of Forensic Sciences) Mary Jane Burton submits a lengthy Cer<ficate of Analysis with the results of her blood typing and hair analyses.

One significant finding is that all four blood groups are present at the crime scene: Derek Haysom's A and Nancy Haysom's AB blood, but also B and O blood. This further strengthens my theory that there must have been at least two perpetrators, each of whom was injured during the struggle.

From the Cer<ficate of Analysis:

37K Stain	X	-
38K ish cloth	X	B
4DR Stain	X	A
2FE Stain	X	O
3FE Stain	X	AB
4FE Stain	X	O

August 12, 1985 — B

One of the samples of type O blood is item 6FE, on the handle of the screen door at the front entrance to the house.

This blood must have been les by (one of) the perpetrator(s) since the vic<ms had type A and AB blood.

From the crime scene photographs:

August 12, 1985 — C

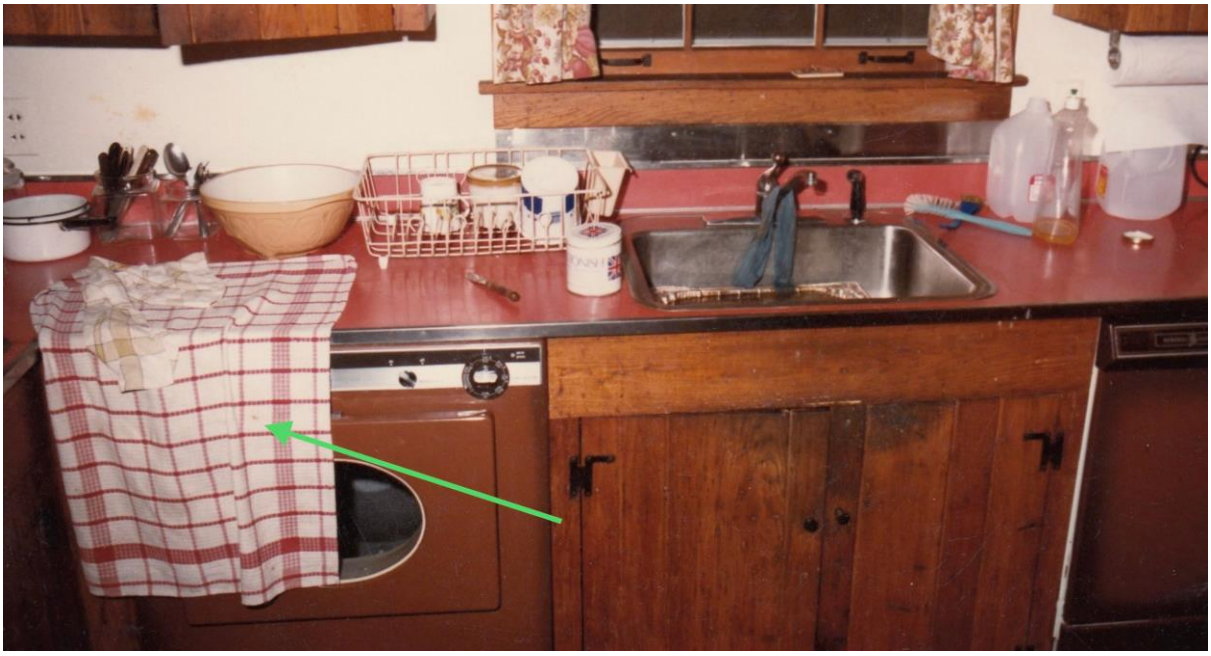
There is also a sample of type B blood found at the crime scene: item 38K, found next to Nancy Haysom's body.

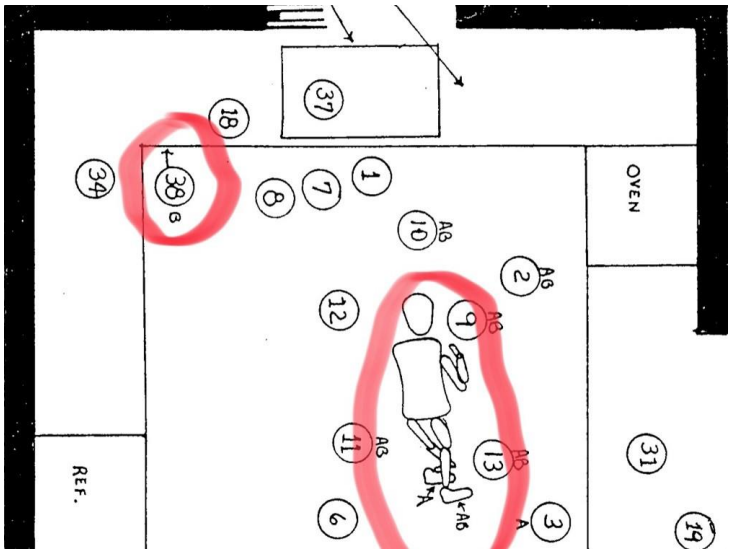
Like the type O blood, the type B blood, too, must have been les by (one of) the perpetrator(s) since the vic<ms had type A and AB blood.

From the Cer<ficate of Analysis:

Item #38K- Human blood was identified on the edge of the wash cloth. Further tests on this blood indicate the type is B. No evidence of blood was found on the terry cloth.

From the crime scene photographs and Lynchburg Police Department crime scene sketches:





August 12, 1985 — D

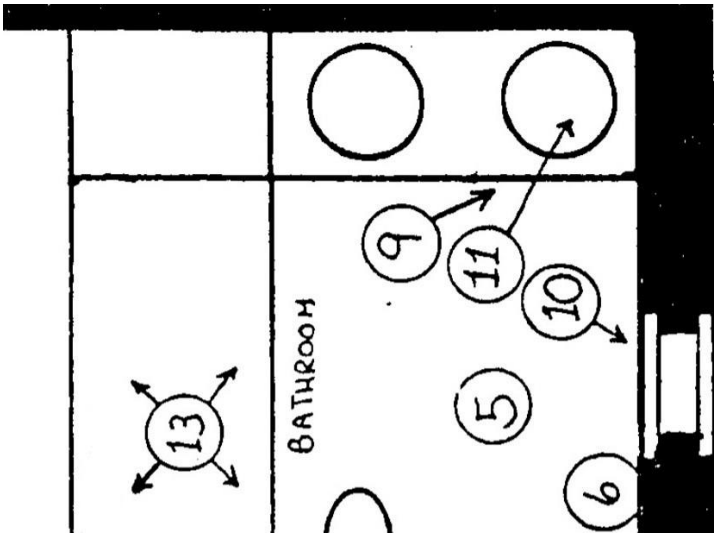
Another significant finding from the Cer<ficate of Analysis of August 12, 1985, is that (one of) the perpetrator(s) les a hair in the blood-stained bathroom sink.

From the Cer<ficate of Analysis:

Item #11B- The sample contained an animal hair and a Caucasian head hair approximately 1½ inches in length from root to diagonally cut end. This hair is not similar to samples from either of the victim's.

The perpetrator(s) washed off blood in the sink, as can be seen by the bloody sock prints in front of the sink. (The black dust below is fingerprint powder.)

From the crime scene photos and Lynchburg Police Department crime scene sketches:



August 29, 1985

The Bureau of Forensic Sciences determines that sock print LR3 could have been les by Haysom's half-brother, Julian Haysom.

From the Cer<ficate of Analysis:

> The known foot impressions of Julian Haysom, listed as Item 70,were compared with the questioned foot impressions submitted as Item LR3 and Item LR#5. Based on some similar physical characteristics noted between the known and questioned foot impression specimens, Julian Haysom can not be eliminated as a suspect in this matter.

October 6, 1985

Ricky and I informally ques<on Soering at the Bedford County Sheriff's Department.

From "Criminal inves<gator says Soering is innocent," by Sandy Hausman, WVTF/Radio iQ, October 11, 2016:

> "The first time I laid eyes on Jens Soering, when he walked into my office that Sunday afternoon, it about floored me," Reid says. "Here comes this little 18-year-old kid – maybe he weighed 120 pounds soaking wet. I'm thinking to myself, 'I can't see it.'"

hQps://www.wvy.org/news/2016-10-11/criminal-inves<gator-says-soering-is-innocent

Soering is unable to explain why the mileage on the rental car matches the drive from Washington, D.C. to Lynchburg and back. Also, he is unwilling to provide fingerprints, a blood sample and footprints without first speaking with his father, a West German consular diplomat.

October 12 and 13, 1985

Soering and Haysom leave the United States for Europe.

From an interview with me, published by the Washington Post on March 9, 2017:

"Once they skipped out on us, I said, 'Well, apparently they're guilty. They're guilty of something,' " Reid said.

With paywall:
hQps://www.washingtonpost.com/lifestyle/magazine/in-1985-a-gruesome-double-murder-rocked-virginia-was-the-wrong-man-convicted/2017/03/07/44c60742-e8b2-11e6-80c2-30e57e57e05d_story.html

Without paywall:
hQps://www.nzherald.co.nz/world/in-1985-a-gruesome-double-murder-rocked-the-us-what-if-the-wrong-man-was-convicted/MOIPAHMHO6JFE2KWENQULYNFKE/

November 18, 1985

Haysom is determined to have blood type B. (Roughly 10% of the popula<on have that blood type.)

From the Cer<ficate of Analysis:

Item #75- The blood type of Elizabeth R. Haysom is B, Hp 1, EsD 1, PGM 1 (PGM subtype 1^{+}), PepA 1, EAP B, AK 1. It was not possible to determine the type in the ADA system.

Early April 1986

I re<re temporarily from the Bedford County Sheriff's Department.

From an interview with me, published by the Washington Post on March 9, 2017:

> In early April 1986, a year after the Haysom murders and six months after Soering and Haysom had fled, Reid left to take a part-time job on the loading docks for a local freight company. He hoped to move into a full-time slot making $30,000 a year, with the generous health benefits his dad had enjoyed with the Teamsters. A few weeks after Reid left, Soering and Haysom were arrested in London. Ricky Gardner, who took over as the lead investigator, flew overseas to interrogate them.

With paywall:
hQps://www.washingtonpost.com/lifestyle/magazine/in-1985-a-gruesome-double-murder-rocked-virginia-was-the-wrong-man-convicted/2017/03/07/44c60742-e8b2-11e6-80c2-30e57e57e05d_story.html

Without paywall:
hQps://www.nzherald.co.nz/world/in-1985-a-gruesome-double-murder-rocked-the-us-what-if-the-wrong-man-was-convicted/MOIPAHMHO6JFE2KWENQULYNFKE/

April 30, 1986

Soering and Haysom are arrested in London, England.

From the Cavalier Daily (U. Va.):

Two former students arrested in London

By SUSAN FINDLEY
Cavalier Daily Staff Writer

Former University students Elizabeth Haysom and Jens Soering are currently being held in London on charges of bank fraud and suspicion of international drug smuggling.

Haysom and Soering are also suspects in the spring murder of Elizabeth Haysom's parents, according to London authorities quoted in the Daily Progress.

Haysom and Soering disappeared from the University during the middle of fall semester last year. Relatives said they have not heard from them since last October, according to the Daily Progress.

London attorney Keith Barker, their representative since their May 1 arrest, told the Daily Progress that the couple had traveled extensively in Europe after leaving the University.

At the University, both Haysom and Soering were Echols Scholars and Soering was also a Jefferson Scholar.

1985, according to the Daily Progress. On April 3, 1985, the bodies of Elizabeth Haysom's parents were found in their Lynchburg home.

Both Derek and Nancy Haysom were stabbed repeatedly. Derek Haysom's body had more than thirty stab marks.

There are rumors that black magic was involved in the Haysom's slaying, the Daily Progress reported. Authorities found that all the chairs in the Haysom's home were pointed toward the north and a triangle drawn in victims' blood was on the floor.

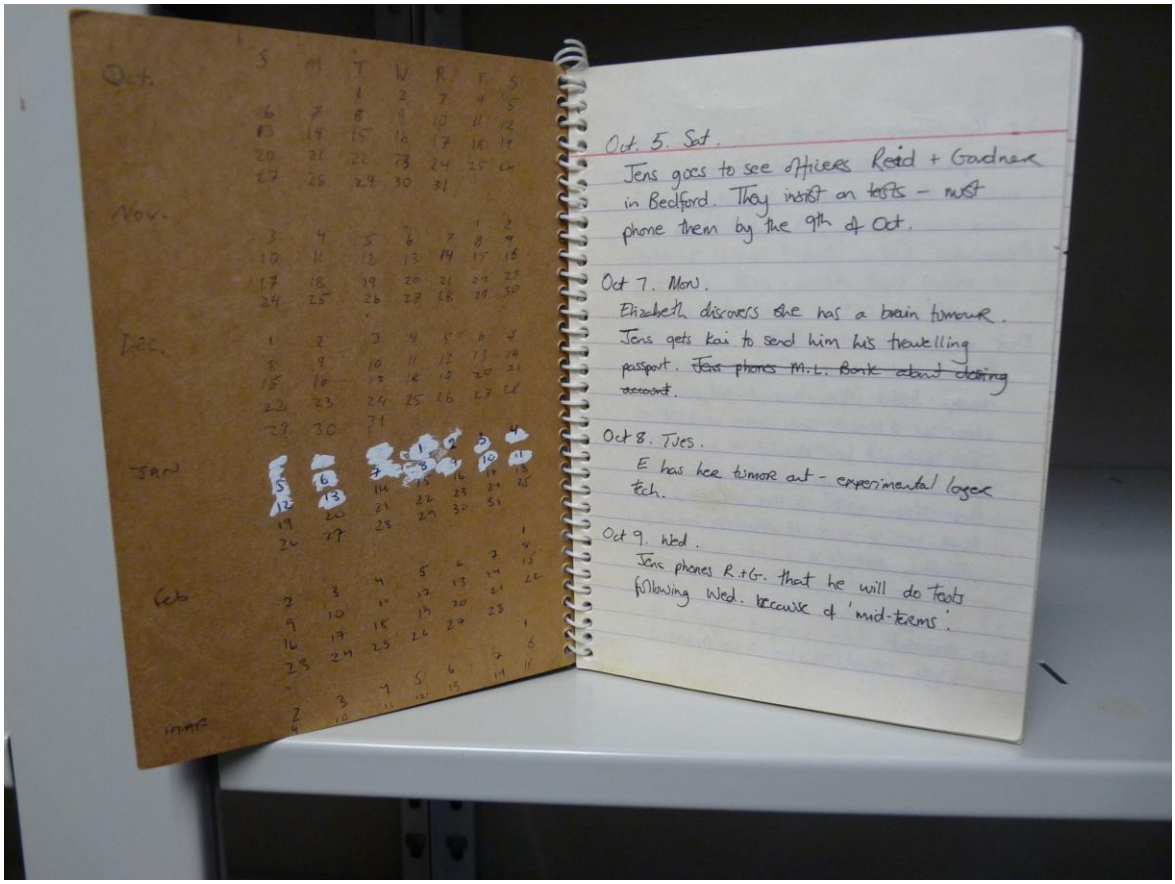
Interpol contacted Charlottesville Chief of Police Deke Bowen requesting information on the couple held in London, Sergeant Dave Pleasants of the Charlottesville Police department said.

When Charlottesville police heard that Virginia's Bedford County Police wanted to question the couple concerning the Haysoms' murder, they turned the case over to the Bedford County

May 1, 1986

In Soering's and Haysom's possessions, Bri<sh police find a diary describing their travels from the United States to Asia and Europe.

From the trial photographs:



This diary contains several passages that are obvious nonsense, like the one pictured above: Haysom writes that she has a brain tumor removed with experimental laser surgery.

But there is another passage in Haysom's handwri<ng that Bri<sh officers find suspicious. On October 12, she writes, "The case is about to be solved. Perhaps fingerprints on coffee mug used by Soering in Bedford interview gave him away." (This is a reference to Ricky's and my ques<oning of Soering on October 6, 1985.)

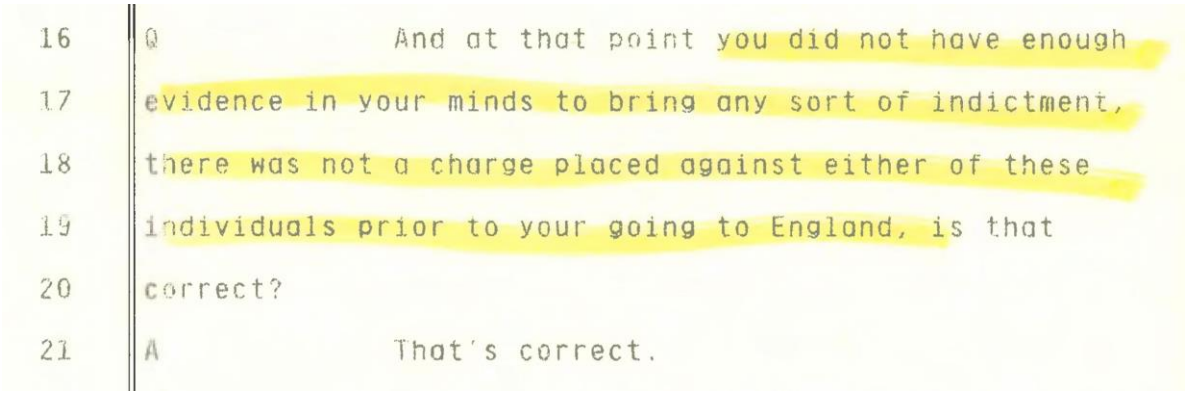
One of the Bri<sh officers, Detec<ve Constable Terry Wright, begins calling various police departments in towns called Bedford throughout the United States. Eventually, he reaches Bedford County, Virginia, and speaks with Ricky.

June 5 to 8, 1986 — A

Ricky flies to England and ques<ons Soering and Haysom for four days.

At this point, he does not have enough evidence against either one of them to bring charges.

From the trial transcript of June 7, 1990, page 138:



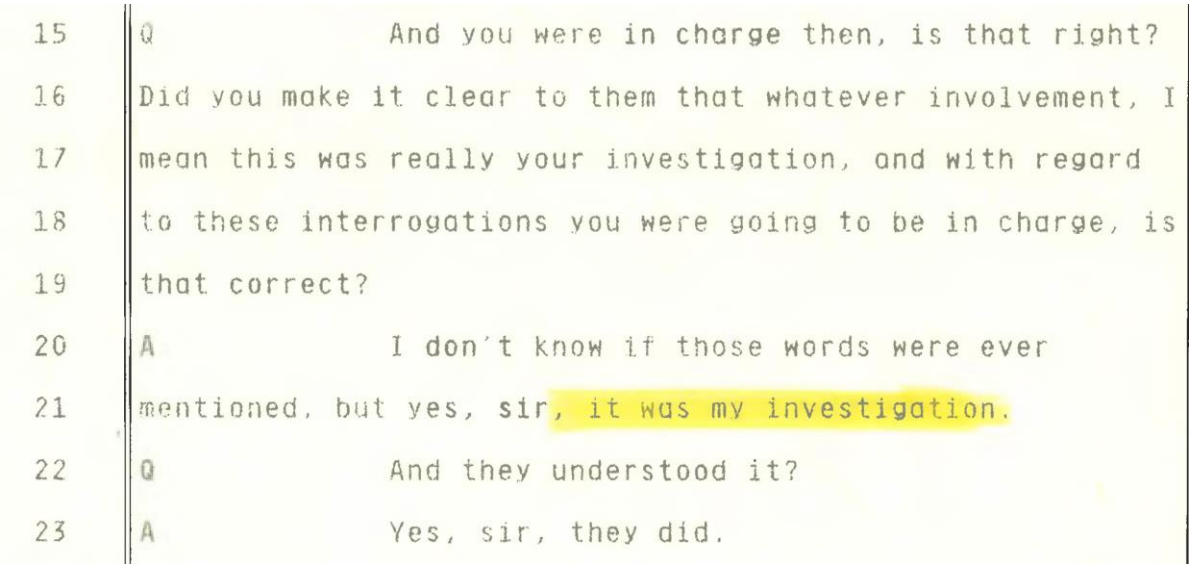
Q And at that point you did not have enough evidence in your minds to bring any sort of indictment, there was not a charge placed against either of these individuals prior to your going to England, is that correct?

A That's correct.

June 5 to 8, 1986 — B

Ricky is assisted by two Bri<sh officers, Detec<ve Sergeant Kenneth Beever and Detec<ve Constable Terry Wright. As Bri<sh officers, they had no jurisdic<on over the American murder case.

From the trial transcript of June 7, 1990, pages 140:



Q And you were in charge then, is that right? Did you make it clear to them that whatever involvement, I mean this was really your investigation, and with regard to these interrogations you were going to be in charge, is that correct?

A I don't know if those words were ever mentioned, but yes, sir, it was my investigation.

Q And they understood it?

A Yes, sir, they did.

June 5, 1986

On the first day of ques<oning, Soering admits being at the crime scene, but each <me inves<gators ask him to admit killing the Haysoms, he refuses. At no point does he ever say that he *harmed* Derek and Nancy Haysom.

From the transcript of the June 5, 1986, interroga<on, pages 13, 23, 24 and 32:

Gardner: All right what happened after you got through eating?

Soering: Can we take a break?

Beever: What happened.

Wright: Yeah.

Soering: (Long pause) Do you mind if I take another break.

Wright: That, that was the case. Do you know what weapon was used to attack Mr. & Mrs. Haysom?

Soering: (Long pause) Sorry, I need a break, I'm sorry, I

Gardner: Okay. So at one point and I'm gonna be, I'm gonna ask you, at some point did you stab Derek Haysom....with a knife, did you cut him with a knife? (long pause) Yes or no?

Soering: I really, I really don't want to answer that.

June 7, 1986

One of the Bri<sh officers, Kenneth Beever, asks Soering whether he could imagine pleading guilty to something he didn't do. Soering says he can.

From the transcript of the June 7, 1986, interroga<on, page 25:

Beever: Would, would you consider then in that answer, you amaze me by the way, that you're turning those 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 that for sure right now, but I can see, I can see it happening yes. I think it is a possibility. I think it happens in real life, okay.

Beever: I disagree with you, but don't let's get into any 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.

Gardner: Uh huh.

June 8, 1986 — A

Soering gives a long, detailed confession. His statement is not tape-recorded.

Soering claims that he went to Derek and Nancy Haysom's house, drank alcohol and ate with them, slit their throats, injured his hand while killing them, wiped away footprints on the floor and then drove to Washington, D.C. to meet Haysom.

Many details of Soering's confession match the crime scene:

Correct Detail #1

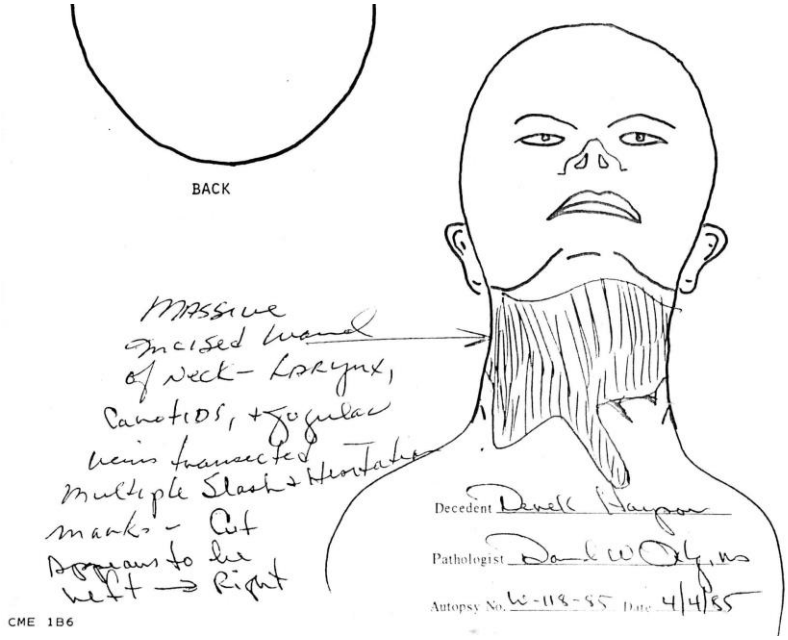
The Haysoms had elevated blood alcohol levels — see July 2, 1985 — and there were used alcohol glasses and boQles found at the scene. This matches Soering's claim that he drank alcohol with his vic<ms before killing them.

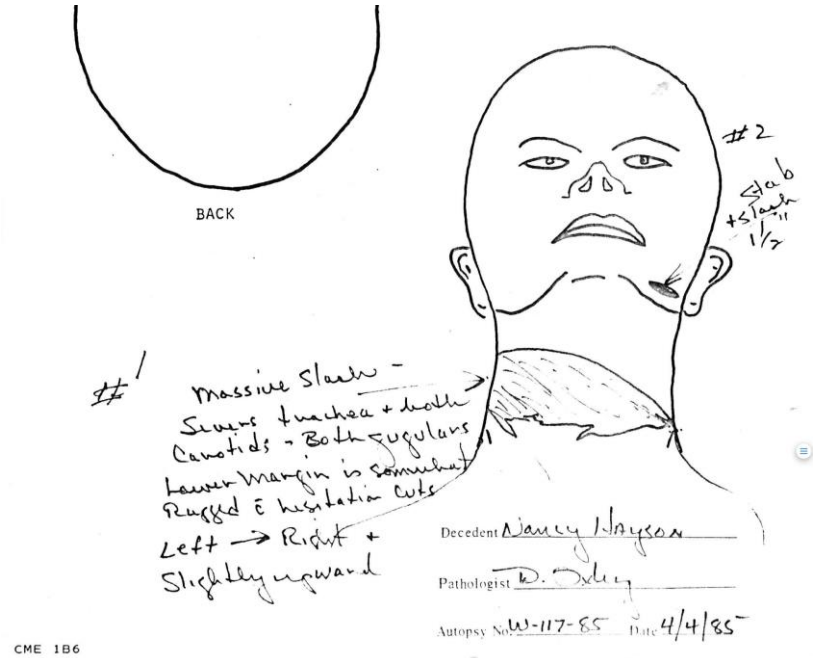
From the crime scene photos:

Correct Detail #2

The Haysoms suffered massive injuries to their throats. This matches Soering's claim that he slit both vic<ms' throats.

From the autopsy reports:





Correct Detail #3

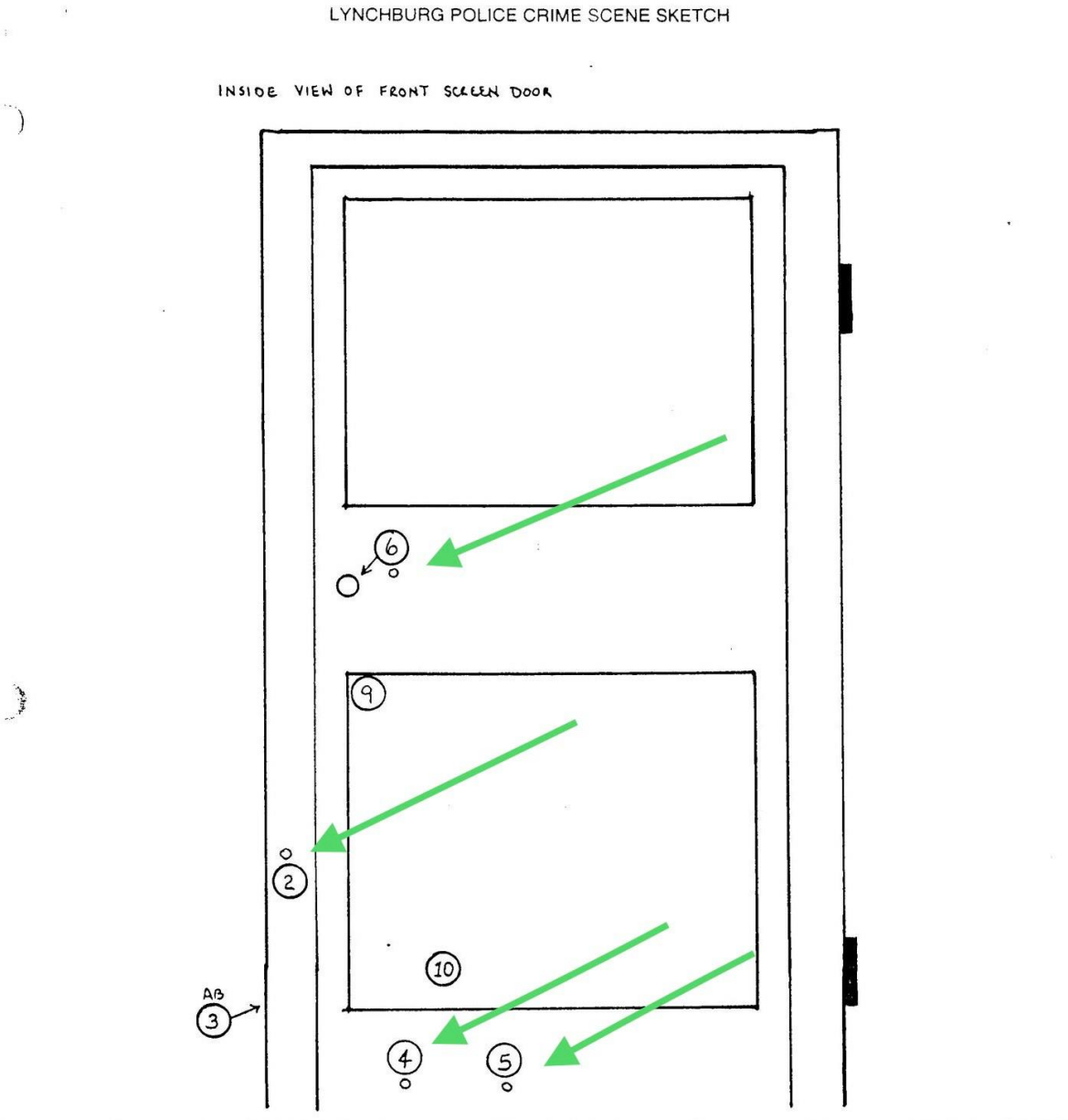
There was a lot of blood on the floor in the dining room. This matches Soering's claim that he aQacked his vic<ms in the dining room.

From the crime scene photos:

Correct detail #4

Five samples of type O blood were found at the crime scene: one in the bedroom and four on the front door. This matches Soering's claim that he injured himself while killing the Haysoms.

From the Lynchburg Police Department crime scene sketches:



Correct detail #5

The killer(s) wiped blood on the floor. This matches Soering's claim that he wiped away footprints on the floor.

From the crime scene photos:

June 8, 1986 — B

But there are several details of Soering's confession that are obviously incorrect.

Incorrect Detail #1

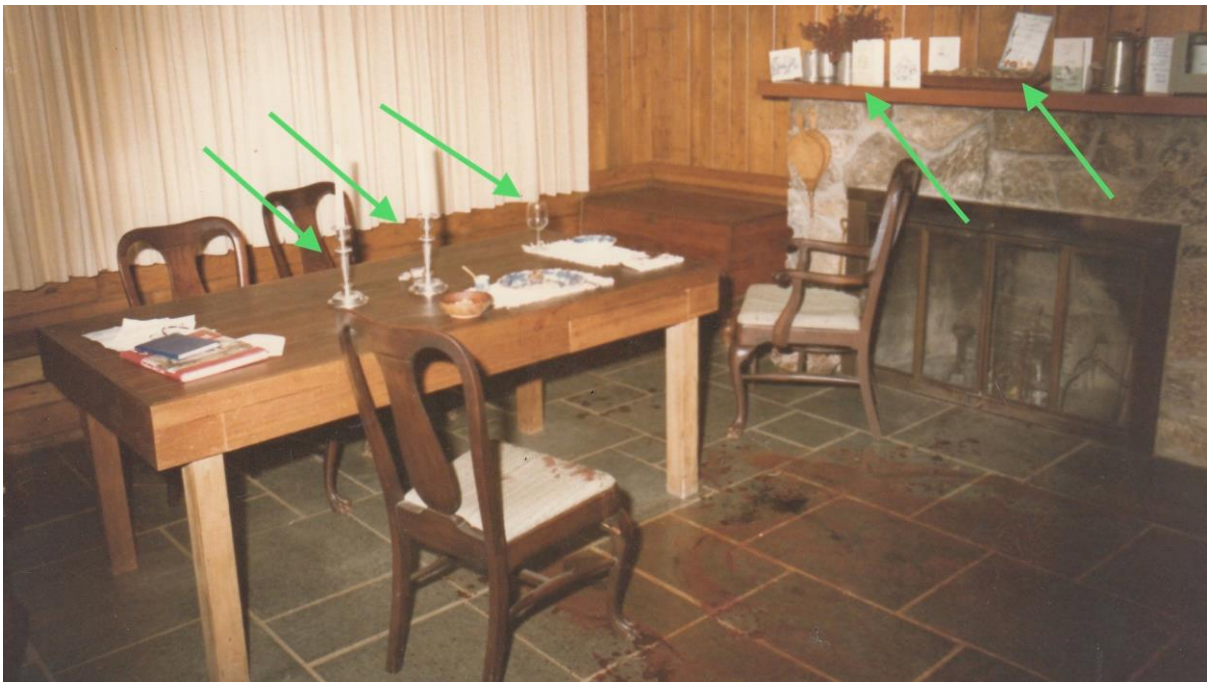
Soering says that Nancy Haysom wore jeans. But in reality, she wore a housecoat.

From the crime scene photos:

Incorrect Detail #2

Soering says a long, violent struggle took place at the dining room table. But the candles<cks and wine glass on the table are s<ll standing, and the cards on the mantelpiece have not been knocked down.

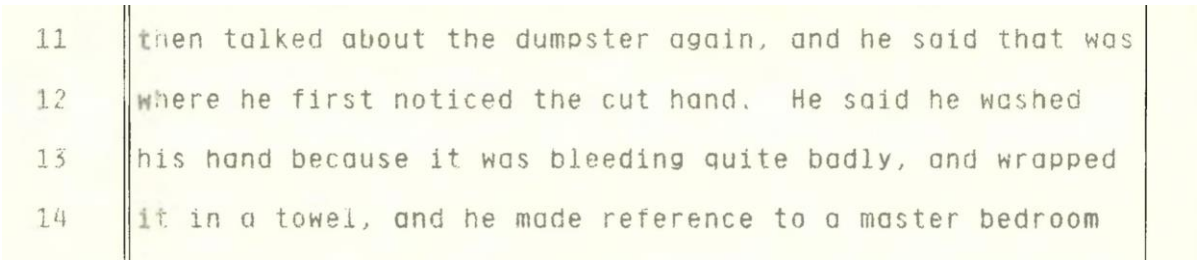
From the crime scene photos:

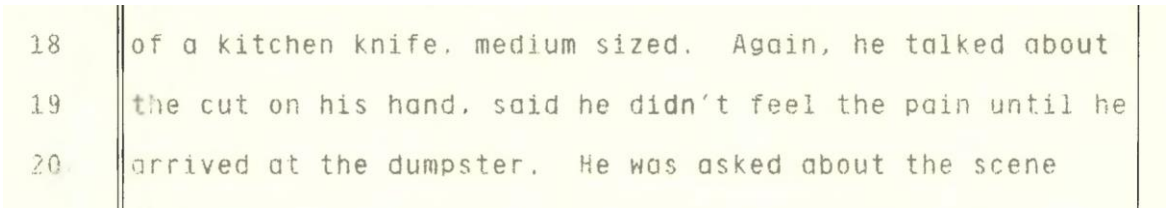


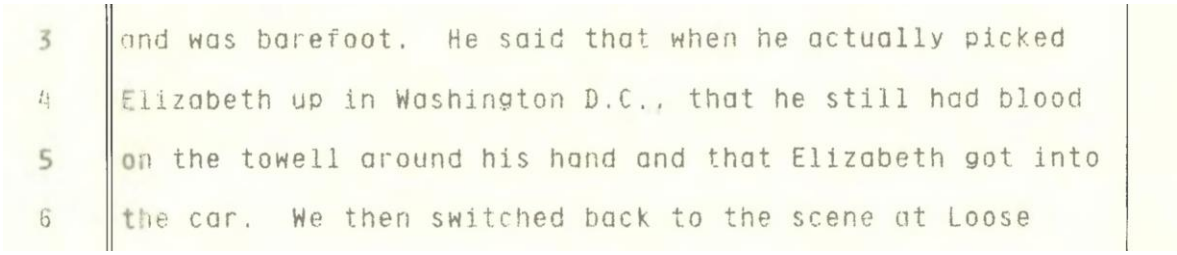
Incorrect Detail #3

Soering says he cut his own hand during the struggle and bled heavily in the rental car.

From the trial transcript of June 7, 1990, pages 221 and 224:


then talked about the dumpster again, and he said that was
where he first noticed the cut hand. He said he washed
his hand because it was bleeding quite badly, and wrapped
it in a towel, and he made reference to a master bedroom


of a kitchen knife, medium sized. Again, he talked about
the cut on his hand, said he didn't feel the pain until he
arrived at the dumpster. He was asked about the scene


and was barefoot. He said that when he actually picked
Elizabeth up in Washington D.C., that he still had blood
on the towell around his hand and that Elizabeth got into
the car. We then switched back to the scene at Loose

But — see June 25, 1985 — A and — B — both the luminol test and Sylvia Moore indicate there was no trace of blood in the car. It was "spotless."

Incorrect Detail #4

Soering makes no men<on of taking a shower aser killing the Haysoms. But — see April 4, 1985 — B — (one of) the perpetrator(s) definitely washed off a lot of blood in the shower.

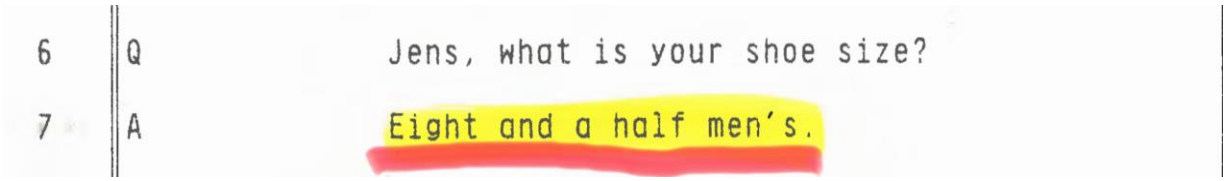
Incorrect Detail #5

Soering says he killed Derek and Nancy Haysom. But — see April 5, 1985 — FBI Special Agent Edward Sulzbach's profile says that the murders were commiQed by a *female* perpetrator who was "very closely related to the vic<ms." (Soering only met the Haysoms one <me, for a brief lunch more than a month before the murders.)

Incorrect Detail #6

Soering wears a men's size 8 ½ shoe.

From the trial transcript of June 19, 1990, page 70:



6	Q	Jens, what is your shoe size?
7	A	Eight and a half men's.

However — see April 8, 1985 — A — shoe print LR2 was made by an "8 to 8 ½ woman's shoe or a *small boy's* shoe."

Incorrect Detail #7

Again, Ricky has four days to no<ce that Soering has normal-size feet. But — see June 7, 1985 — sock print LR3 "corresponds to … a *size 5 to 6* man's shoe." That is very small for a man's foot.

Incorrect Detail #8

Soering says there were *three* people in the house when the crime occurred: Derek and Nancy Haysom and himself. But — see August 25, 1985 — there were *four* blood groups found at the scene.

Probably Incorrect Detail #9

Soering says he killed Derek and Nancy Haysom alone. But — see April 4, 1985 — A — it seems highly unlikely that a single aQacker could kill two people in two different rooms (kitchen and living room) separated by a third room (dining room).

June 8, 1986 — C

Aser Soering gives his confession, Ricky and the two Bri<sh officers, Kenneth Beever and Terry Wright, ques<on Haysom. She admits commiwng the crime herself — but then withdraws her confession immediately, saying she was only being face<ous.

From the trial transcript of June 14, 1990, page 113:

19	Q And Beever said, you knew he was going to do
20	it, didn't you, did you? And you said, I did it myself.
21	And he answered, don't be silly, and you said, I got off
22	on it. And Beever not knowing what that American
23	expression was said you did what, what does that mean.
24	And then you said I was being facetious, correct?
25	A That's correct, sir.

June 8, 1986 — D

Haysom's confession — "I did it myself. … I got off on it." — is corroborated by:

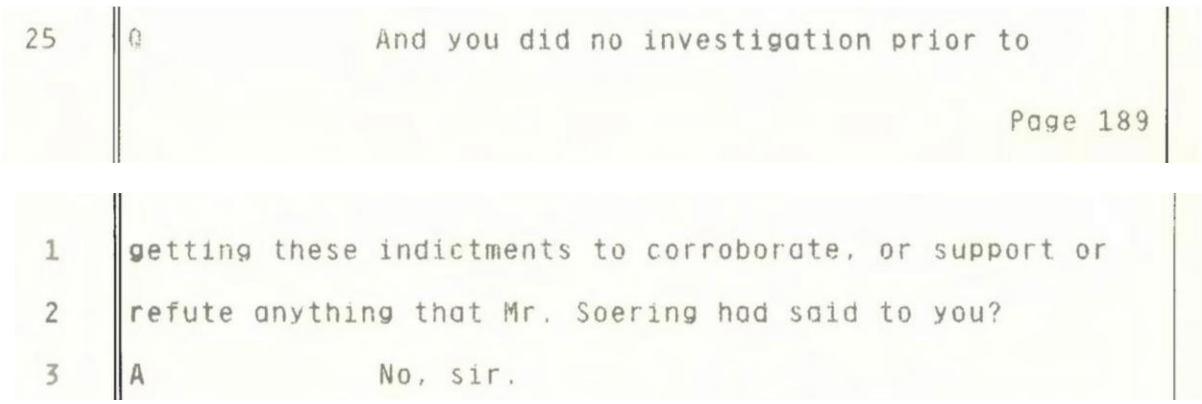
- FBI Special Agent Edward Sulzbach's crime scene profile — see April 5, 1985
- the presence at the crime scene of a shoe print matching Haysom's size (item LR2) — see April 8 and April 16, 1985 — A
- Haysom's brother Dr. Howard Haysom observing Haysom comparing her foot to the sock print at the crime scene — see late May/early June 1985
- the presence of a sock print only half a size smaller than her foot size (item LR3) — see June 7, 1985
- the presence of Haysom's fingerprints on a vodka boQle near her inebriated father's body (item 17LR) — see July 2, 1985
- the presence of Haysom's blood type (type B) near her mother's body (item 38K) — see August 12 and November 19, 1985
- the presence of Merit cigareQe buQs, Haysom's favorite brand, next to the front and rear doors of the Haysom house — see April 16, 1985 — B

But in spite of all this, Ricky and the two Bri<sh officers, Kenneth Beever and Terry Wright, do not push Haysom to add details to her confession. Instead, they allow Haysom to withdraw her confession as a joke. She then supports Soering's version of events.

June 9-12, 1986

Aser Soering gives his confession, Ricky makes no effort to corroborate or refute his statement.

From the trial transcript of June 7, 1990, pages 189 to 190:



25 Q And you did no investigation prior to

Page 189

1 getting these indictments to corroborate, or support or
2 refute anything that Mr. Soering had said to you?
3 A No, sir.

June 13, 1986

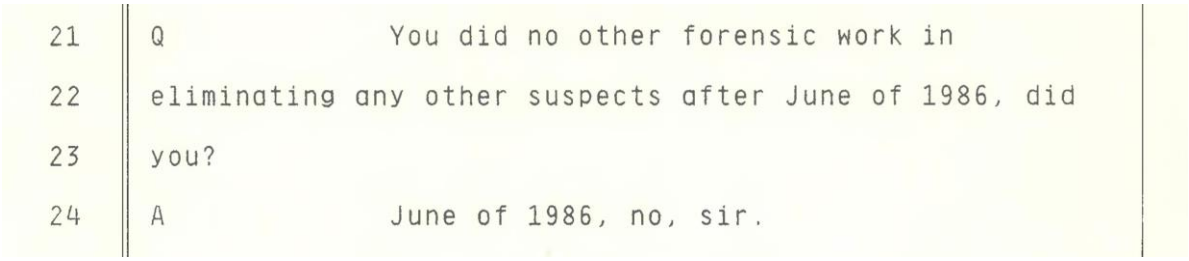
On Friday the 13th, just five days aser giving his confession, Soering is indicted for capital murder. He now faces execu<on in the electric chair.

From the Florida Department of Correc<ons/Doug Smith (Public Domain):

June 14, 1986, onward

Aser Soering's indictment, Ricky makes no further aQempts to gather forensic evidence.

From the trial transcript of June 5, 1990, page 249:



21 Q You did no other forensic work in
22 eliminating any other suspects after June of 1986, did
23 you?
24 A June of 1986, no, sir.

Fall 1986

Aser Soering is indicted, his Bri<sh aQorneys make several aQempts to save his life from execu<on.

In their first aQempt, they try to persuade the Bri<sh courts to reduce the extradi<on charges from murder to the lesser (Bri<sh) charge of "manslaughter by reason of diminished responsibility." The maximum penalty for manslaughter is 10 years in prison, not execu<on.

To make this argument to the Bri<sh courts, Soering's aQorneys first have to obtain psychiatric diagnoses to jus<fy the reduc<on of charges. In the fall of 1986, two psychiatrists examine both Soering and Haysom. They diagnose Haysom with borderline schizophrenia (called borderline personality disorder today) and Soering with folie à deux (called shared delusional disorder today).

From the psychiatric reports of Dr. HenrieQa Bullard and Dr. John R. Hamilton:

In conclusion, it is my opinion that, at the time of the offences, Soering was suffering from an abnormality of mind which, in this country, would constitute a defence of 'not guilty to murder but guilty of manslaughter'.

H. Bullard.

Henrietta Bullard, M.B., B.S., M.R.C.Psych., D.P.M.
Consultant Forensic Psychiatrist
Recognised under Section 12 (2) of the Mental Health Act 1983

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. Were he to be tried for the homicides in England I would be prepared to give evidence that he suffered from diminished responsibility in terms of section 2 of the Homicide Act 1957 and that he should therefore be liable to conviction for manslaughter rather than murder.

On all occasions when I interviewed him I found Jens Soering to be fit to plead and not under disability in relation to trial.

John R Hamilton

John R Hamilton MD FRCPsych DPM
Medical Director and
Consultant Forensic Psychiatrist,
Broadmoor Hospital
Honorary Senior Lecturer in
Forensic Psychiatry,
Institute of Psychiatry,
University of London

In order to obtain this diagnosis, Soering has to repeat his story, that he killed Derek and Nancy Haysom, to the two psychiatrists. But this is not a confession in the legal sense, and his statements to the psychiatrists cannot be used against him at his trial in Virginia.

The Bri<sh courts reject Soering's aQorneys' argument. They rule that the exact nature of the charges should be determined not by Bri<sh but by American courts, since the crime took place in the United States.

December 30, 1986

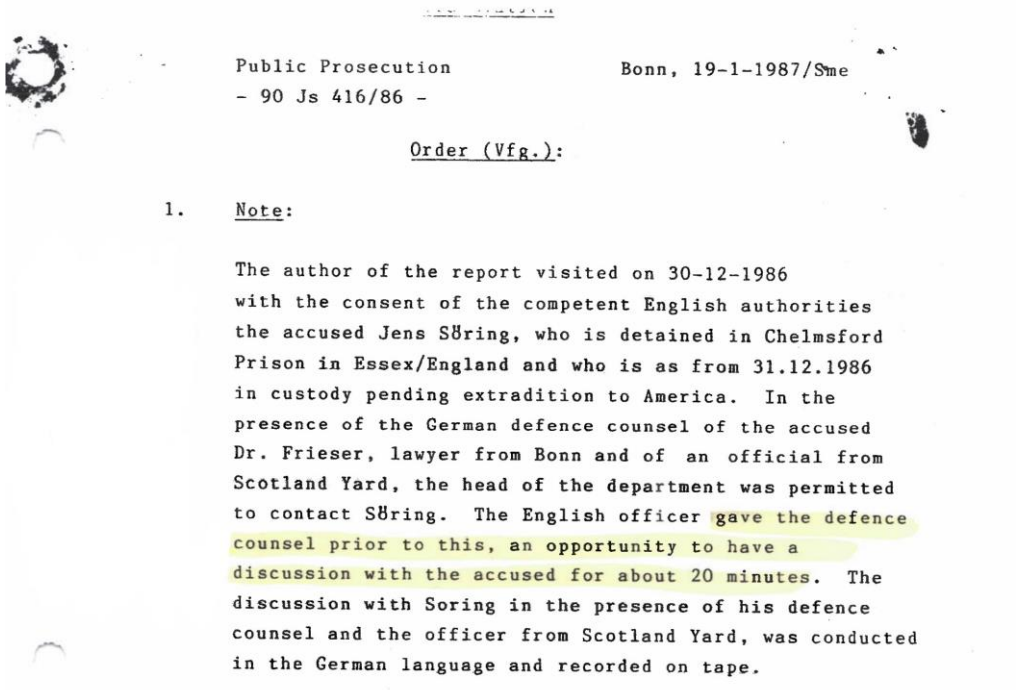
Aser the first aQempt to save Soering from execu<on fails, his aQorneys make a second aQempt. They try to have Soering extradited to Germany. Under German law, he could be tried there for the murders that occurred in the United States. In Germany, there is no death penalty.

But for Soering to be sent to Germany, the German government must file an extradi<on request to the Bri<sh government. This requires some evidence to show that the accused may be responsible for the crime with which he is to be charged. But the German government has no such evidence, since the American government refuses to provide the German government a legally valid copy of the confession that Soering gave on June 8.

To obtain evidence sufficient to jus<fy a German extradi<on request, Soering's aQorneys arrange for a German prosecutor to come to England to obtain another confession. Hoping to save his own life from execu<on, Soering repeats the story he told Ricky six months earlier.

There are some minor differences between Soering's statements to Ricky and to the German prosecutor, but on the whole they are similar. The confession to the German prosecutor is later used at Soering's trial in Virginia.

From the German public prosecutor's office:



Public Prosecution — Bonn, 19-1-1987/Sme
- 90 Js 416/86 -

Order (Vfg.):

1. Note:

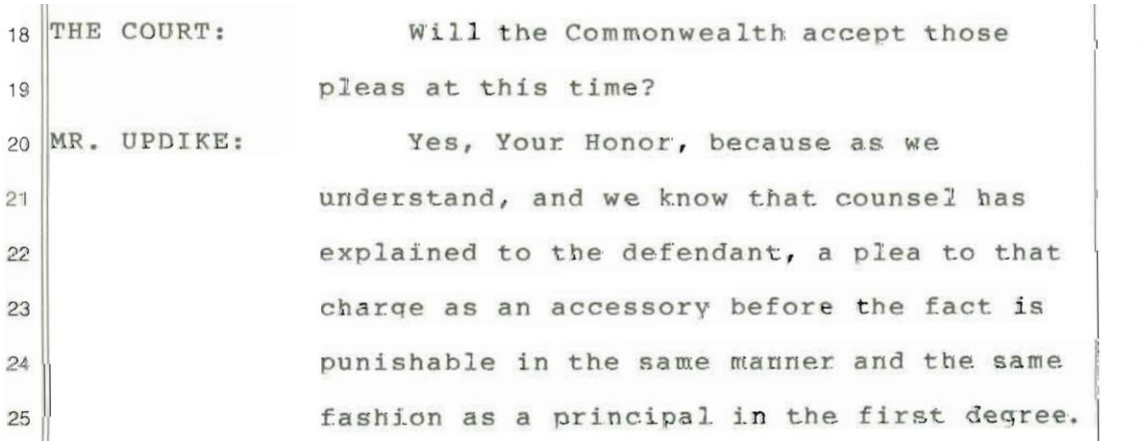
The author of the report visited on 30-12-1986 with the consent of the competent English authorities the accused Jens Söring, who is detained in Chelmsford Prison in Essex/England and who is as from 31.12.1986 in custody pending extradition to America. In the presence of the German defence counsel of the accused Dr. Frieser, lawyer from Bonn and of an official from Scotland Yard, the head of the department was permitted to contact Söring. The English officer gave the defence counsel prior to this, an opportunity to have a discussion with the accused for about 20 minutes. The discussion with Soring in the presence of his defence counsel and the officer from Scotland Yard, was conducted in the German language and recorded on tape.

This second aQempt to save Soering from the death penalty also fails. The Bri<sh courts reject the German extradi<on request and grant the American request. Soering's aQorneys then file an appeal to the European Court of Human rights.

August 24, 1987 — A

Unlike Soering, Haysom does not face the death penalty. In the spring of 1987 she is extradited to Virginia and, on August 24, pleads guilty to two counts of first-degree murder under § 18.2-32 of the Code of Virginia of 1950, as amended. Haysom adds the words "as an accessory before the fact" to her plea, but under Virginia law, this makes no legal difference.

From the trial transcript of August 24, 1987, pages 4 and 5:



THE COURT: Will the Commonwealth accept those pleas at this time?

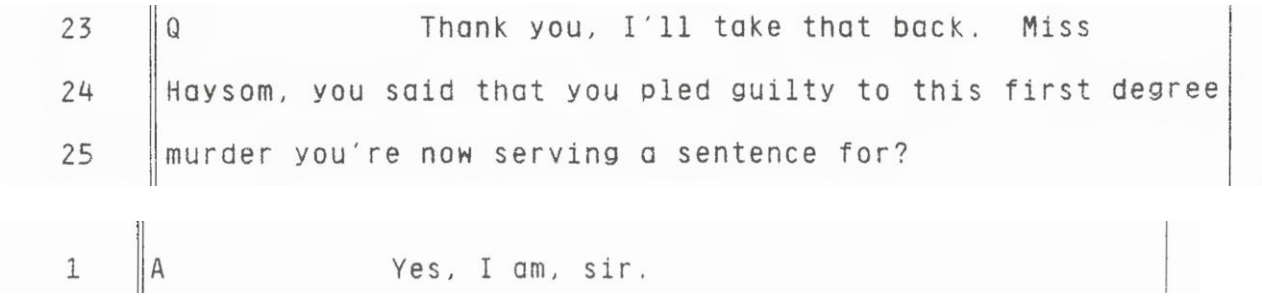
MR. UPDIKE: Yes, Your Honor, because as we understand, and we know that counsel has explained to the defendant, a plea to that charge as an accessory before the fact is punishable in the same manner and the same fashion as a principal in the first degree.

Thank you, sir.

THE COURT: So you're saying that it's tantamount to a plea of guilty but it is a different form of plea which carries the same punishment as the original offenses, is that your position?

MR. UPDIKE: Yes, sir, Your Honor.

From the trial transcript of June 14, 1990, pages 93 to 94:



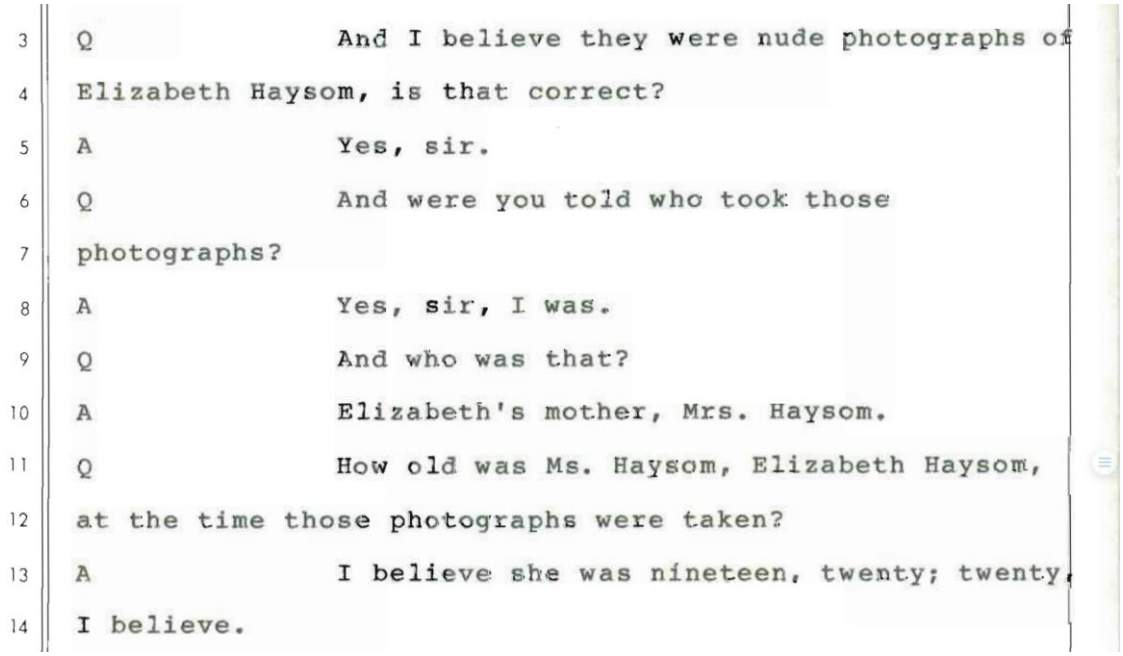
Q Thank you, I'll take that back. Miss Haysom, you said that you pled guilty to this first degree murder you're now serving a sentence for?

A Yes, I am, sir.

August 24, 1987 — B

At Haysom's plea hearing, Ricky tes<fies that Haysom's mother Nancy took nude photographs of her daughter.

From the trial transcript of August 24, 1987, page 53:

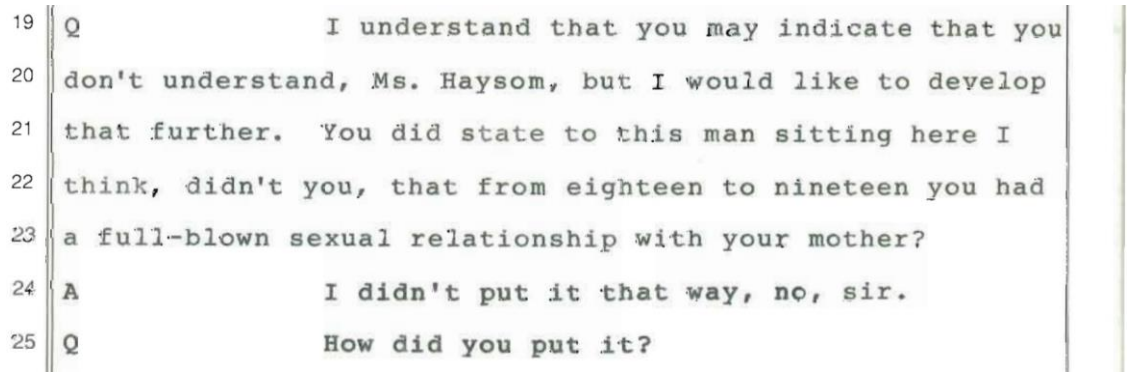


Q And I believe they were nude photographs of Elizabeth Haysom, is that correct?
A Yes, sir.
Q And were you told who took those photographs?
A Yes, sir, I was.
Q And who was that?
A Elizabeth's mother, Mrs. Haysom.
Q How old was Ms. Haysom, Elizabeth Haysom, at the time those photographs were taken?
A I believe she was nineteen, twenty; twenty, I believe.

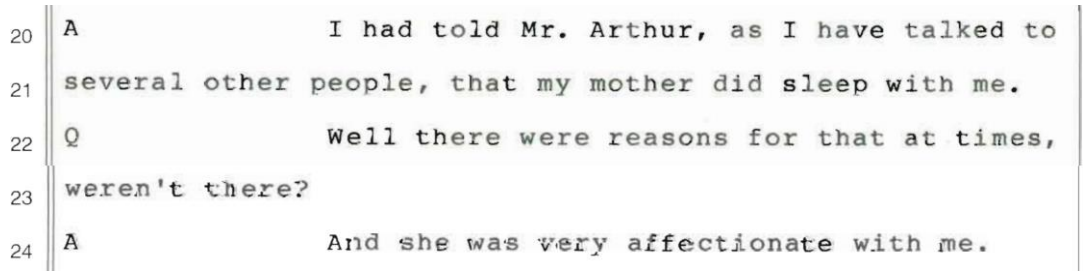
October 5 and 6, 1987 — A

A sentencing hearing is held to determine the length of Haysom's prison sentence. In her pre-sentencing report and in court, she gives conflic<ng accounts about being sexually abused by her mother.

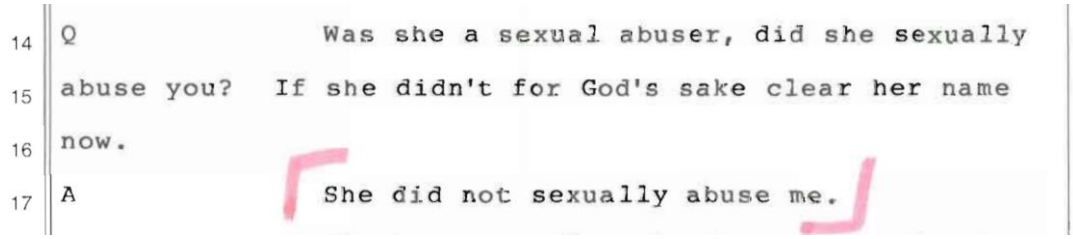
From the trial transcript of October 6, 1987, pages 229, 231 and 233:



Q I understand that you may indicate that you don't understand, Ms. Haysom, but I would like to develop that further. You did state to this man sitting here I think, didn't you, that from eighteen to nineteen you had a full-blown sexual relationship with your mother?
A I didn't put it that way, no, sir.
Q How did you put it?



A I had told Mr. Arthur, as I have talked to several other people, that my mother did sleep with me.
Q Well there were reasons for that at times, weren't there?
A And she was very affectionate with me.

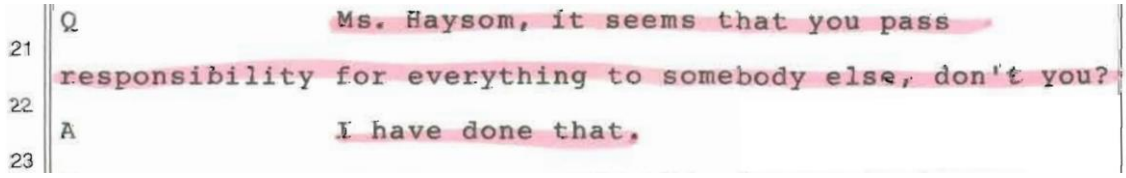


Q Was she a sexual abuser, did she sexually abuse you? If she didn't for God's sake clear her name now.
A She did not sexually abuse me.

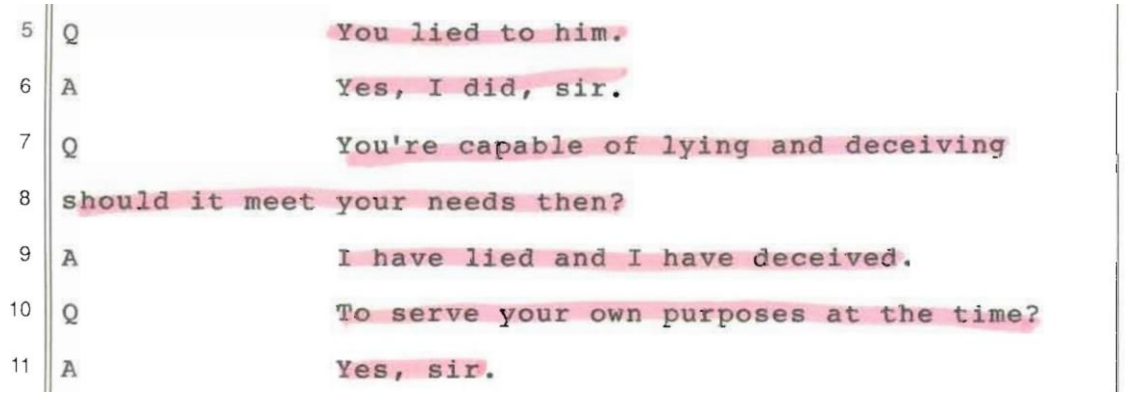
October 5 and 6, 1987 — B

On several occasions during her sentencing hearing, Haysom is forced to admit that she frequently lies and manipulates.

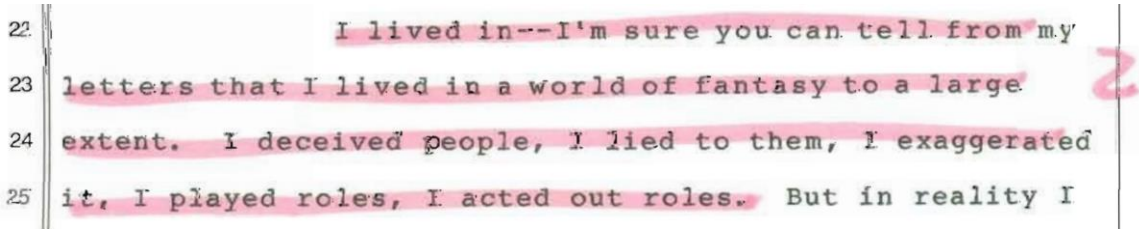
From the trial transcript of October 5, 1987, pages 265, 289, 293, 298 and 314:



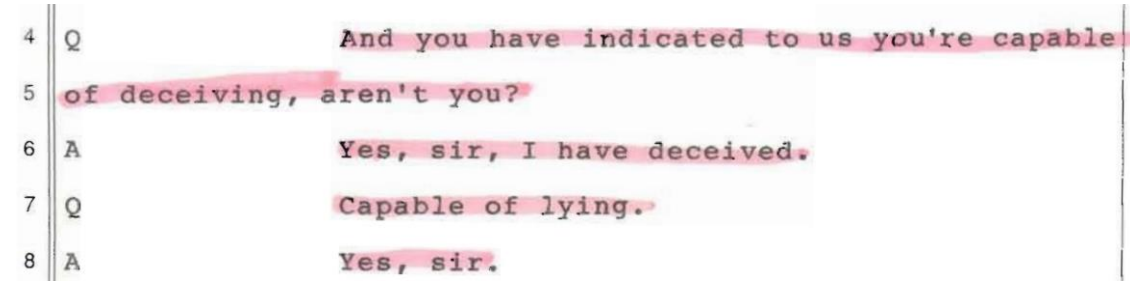
Q Ms. Haysom, it seems that you pass responsibility for everything to somebody else, don't you?
A I have done that.



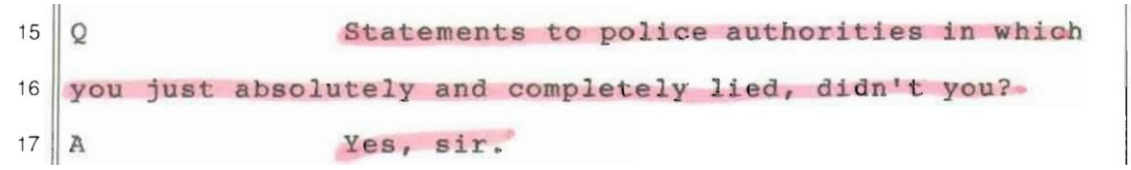
Q You lied to him.
A Yes, I did, sir.
Q You're capable of lying and deceiving should it meet your needs then?
A I have lied and I have deceived.
Q To serve your own purposes at the time?
A Yes, sir.



I lived in--I'm sure you can tell from my letters that I lived in a world of fantasy to a large extent. I deceived people, I lied to them, I exaggerated it, I played roles, I acted out roles. But in reality I



Q And you have indicated to us you're capable of deceiving, aren't you?
A Yes, sir, I have deceived.
Q Capable of lying.
A Yes, sir.

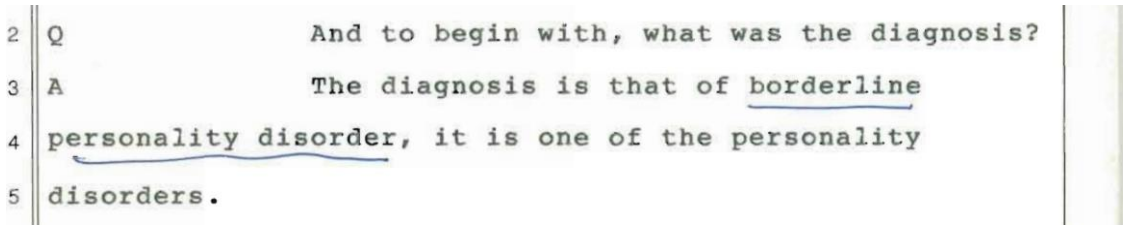


Q Statements to police authorities in which you just absolutely and completely lied, didn't you?
A Yes, sir.

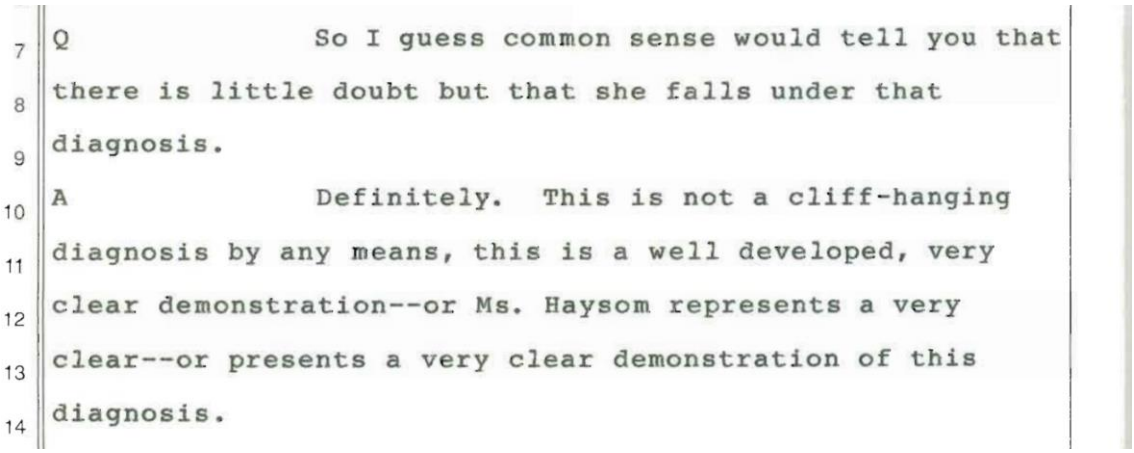
October 5 and 6, 1987 — C

Psychiatrist Dr. Robert C. Showalter tes<fies that Haysom was suffering from borderline personality disorder.

From the trial transcript of October 6, 1987, pages 368 and 371:



Q And to begin with, what was the diagnosis?
A The diagnosis is that of borderline personality disorder, it is one of the personality disorders.

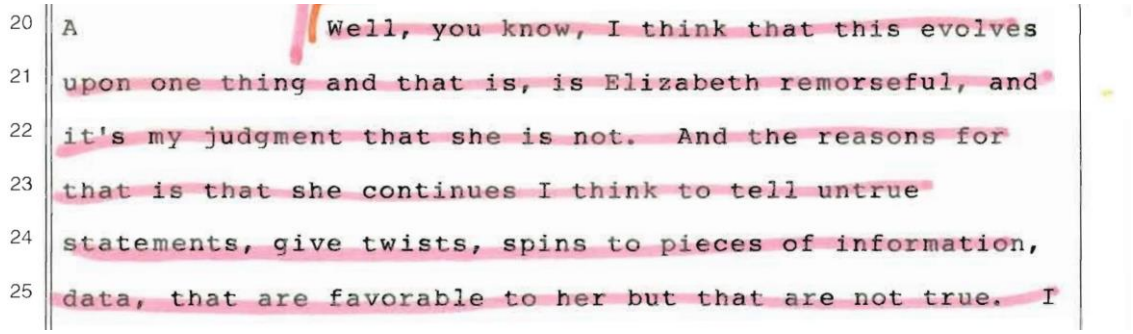


Q So I guess common sense would tell you that there is little doubt but that she falls under that diagnosis.
A Definitely. This is not a cliff-hanging diagnosis by any means, this is a well developed, very clear demonstration--or Ms. Haysom represents a very clear--or presents a very clear demonstration of this diagnosis.

October 5 and 6, 1987 — D

Haysom's half-brother Dr. Howard Haysom and her mother's best friend Nancy Haysom both tes<fy that they do not believe the prosecu<on's theory of the case. They both believe Haysom was in the house at the <me of the crime. However, they are not allowed to explain their reasons for believing this.

From the trial transcript of October 6, 1987, pages 440, 441, 445 and 469:



A Well, you know, I think that this evolves upon one thing and that is, is Elizabeth remorseful, and it's my judgment that she is not. And the reasons for that is that she continues I think to tell untrue statements, give twists, spins to pieces of information, data, that are favorable to her but that are not true. I think that she has lied to me in the past and, frankly, continues to lie.

I personally am not satisfied with the explanation that her guilty plea provided. I think Elizabeth was in the house at the time of the crime and I have reasons for that, too.

A I respectfully and unequivocally disagree with the prosecution's theory on that, and I have reasons and I will go into those reasons if you like, sir.

Q No, sir, you've answered my question, thank you very much.

Q Right. Do you also share the belief with Howard Haysom that Elizabeth was in Lynchburg or in Bedford County when--

A That is correct, I do.

October 8, 1987

Haysom is sentenced to 90 years in prison.

From the Free Lance-Star:

Haysom gets 90 years in slaying of parents

By DIRK BEVERIDGE
Associated Press Writer

BEDFORD, Va. (AP)—Elizabeth Haysom, who said she should be imprisoned for life for the murders of her parents, could be eligible for parole in about 12 years, a prosecutor said.

Commonwealth's Attorney James Updike Jr. had asked Bedford Circuit Court Judge William Sweeney to impose the maximum life sentences on Miss Haysom, 23. Sweeney instead gave the Canadian citizen a total of 90 years in the state women's prison in Goochland County.

The minimum legal sentence would have been 20 years.

Miss Haysom pleaded guilty to first-degree murder as an accessory before the fact in the brutal March 1985 stabbing deaths of Derek and Nancy Haysom in their Boonsboro home. Updike said the murders were carried out by Miss Haysom's boyfried, Jens Soering, while Miss Haysom stayed in a Washington motel room rented as an alibi.

Soering, 21, son of a West German diplomat, was fighting extradition from England. Because of English opposition to the death penalty, the extradition could run into problems if Virginia refuses to agree that Soering will not face death if he is returned to stand charges of capital murder.

Although Miss Haysom told investigators in England and Virginia that she and Soering had plotted her parents' murders and made up the Washington trip as an alibi, and that she would plead guilty, Updike said she tried throughout a sentencing hearing that began Tuesday to downplay her role in the case.

Updike said letters between Miss Haysom and Soering when they were students at the University of Virginia made frequent references to the parents' deaths. Defense attorneys Andrew Davis of Bedford and Hugh Jones of Lynchburg contended that the letters were nothing more than fantasies.

A letter mailed about two weeks before the murders made mention of wealth Miss Haysom stood to gain if her parents died, bolstering Soering's incentive to kill the parents, Updike said.

Miss Haysom said the letters no doubt contributed to the murders, though murder was not her intent. She said she wants Soering convicted and will testify against him.

Miss Haysom and Soering took off around the world nearly a half-year after the killings, because they believed police were getting close to solving the crime. They used fake identifications and credit cards as they passed from country to country before they were arrested for check fraud in England.

Derek Haysom, a retired South Africa steel executive, came from a prominent South African family that attained its wealth through massive sugar holdings.

AP Laserphoto

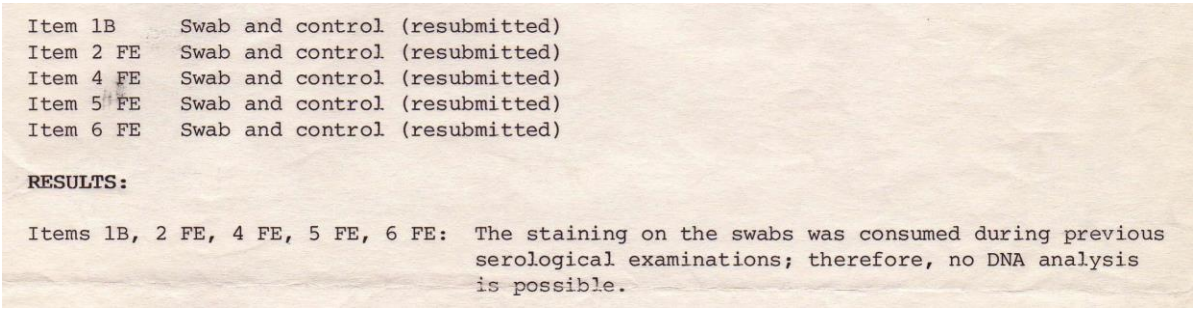
Elizabeth Haysom, with attorney Hugh Jones at her side, listens to Judge William Sweney impose a 90-year sentence for her parents' slayings.

Groundwater conference slated here

June 8, 1989

Aser the Virginia Bureau of Forensic Science begins to introduce DNA tes<ng, forensic examiner Elmer Gist, Jr. files a Cer<ficate of Analysis claiming that the five samples of type O blood from the crime scene cannot be DNA tested because they were “consumed during previous serological examina<ons.”

From the Cer<ficate of Analysis:



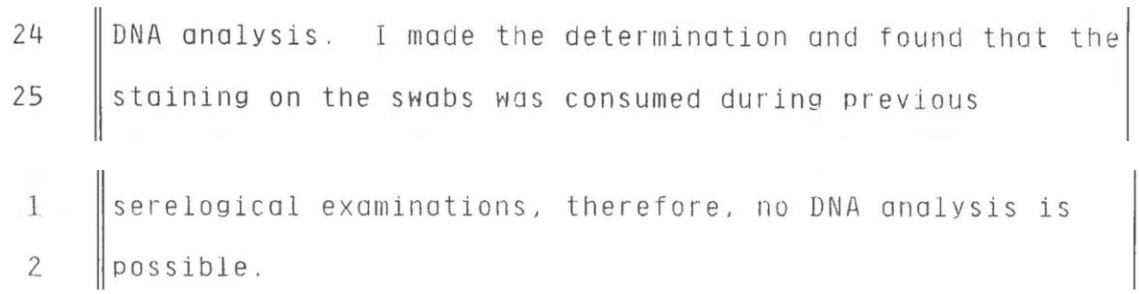
Item 1B Swab and control (resubmitted)
Item 2 FE Swab and control (resubmitted)
Item 4 FE Swab and control (resubmitted)
Item 5 FE Swab and control (resubmitted)
Item 6 FE Swab and control (resubmitted)

RESULTS:

Items 1B, 2 FE, 4 FE, 5 FE, 6 FE: The staining on the swabs was consumed during previous serological examinations; therefore, no DNA analysis is possible.

At Soering’s trial more than a year later, Gist repeats this claim. Both the Cer<ficate of Analysis and his trial tes<mony are given under oath.

From the trial transcript of June 13, 1990, pages 42 and 43:



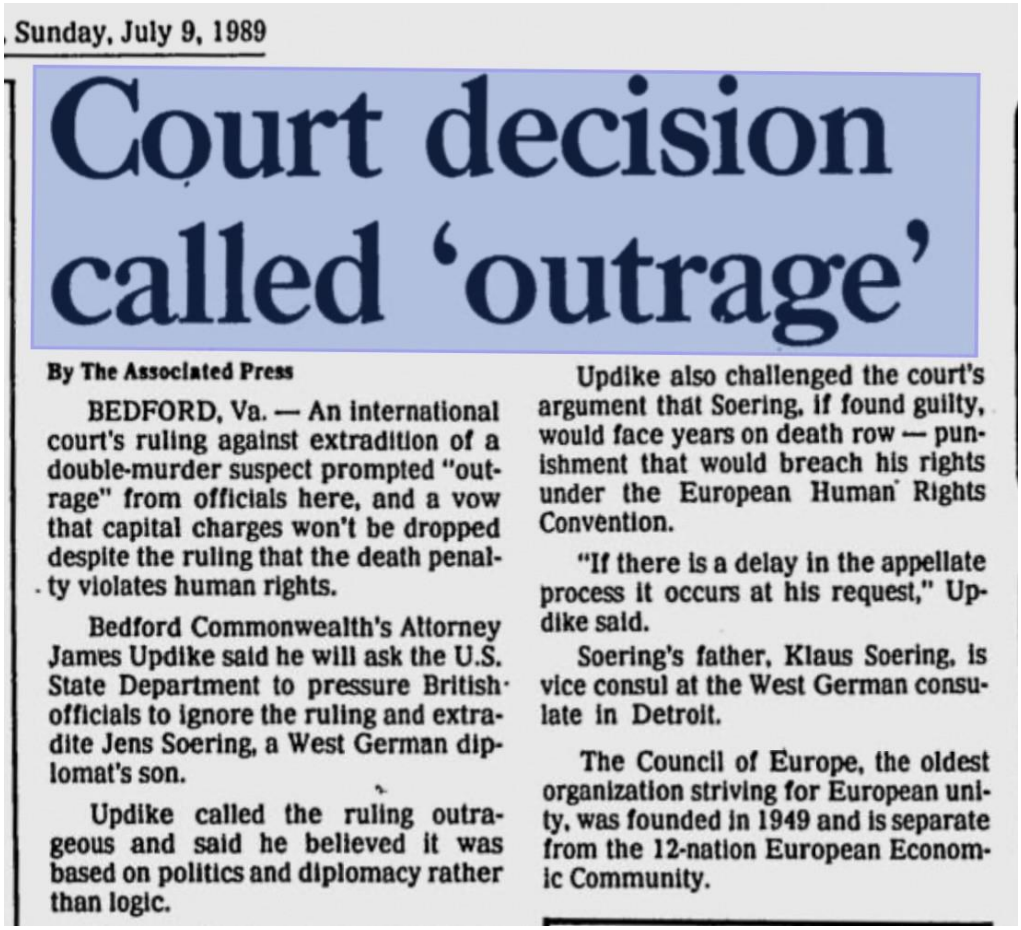
24 DNA analysis. I made the determination and found that the
25 staining on the swabs was consumed during previous

1 serelogical examinations, therefore, no DNA analysis is
2 possible.

July 7, 1989

In a landmark ruling, the European Court of Human Rights decides that Soering cannot be extradited to the United States as long as he faces inhumane or degrading treatment. On August 1, 1989, prosecutor James W. Updike drops the capital murder indictment, clearing the way for Soering to be extradited on first-degree murder charges — without threat of the death penalty.

From the Register Guard:



Sunday, July 9, 1989

Court decision called 'outrage'

By The Associated Press

BEDFORD, Va. — An international court's ruling against extradition of a double-murder suspect prompted "outrage" from officials here, and a vow that capital charges won't be dropped despite the ruling that the death penalty violates human rights.

Bedford Commonwealth's Attorney James Updike said he will ask the U.S. State Department to pressure British officials to ignore the ruling and extradite Jens Soering, a West German diplomat's son.

Updike called the ruling outrageous and said he believed it was based on politics and diplomacy rather than logic.

Updike also challenged the court's argument that Soering, if found guilty, would face years on death row — punishment that would breach his rights under the European Human Rights Convention.

"If there is a delay in the appellate process it occurs at his request," Updike said.

Soering's father, Klaus Soering, is vice consul at the West German consulate in Detroit.

The Council of Europe, the oldest organization striving for European unity, was founded in 1949 and is separate from the 12-nation European Economic Community.

January 12, 1990

Soering is moved from Her Majesty's Prison Brixton in London, England, to Bedford County Jail in Bedford, Virginia.

From the Daily Progress:

Ex-UVa Student Soering Returned For Murder Trial

ROANOKE (AP) — A West German diplomat's son was flown from London to Virginia on Friday to go on trial for the 1985 stabbing deaths of his girlfriend's parents, a prominent Bedford County couple.

Jens Soering, who bragged shortly after he was caught in London that the "yokels" back in Bedford County would never bring him to trial, arrived at Roanoke Regional Airport on a commercial airliner near dusk Friday.

Soering was handcuffed and escorted into a U.S. marshal's vehicle waiting on the tarmac, where access was denied to the score of photographers and reporters awaiting the suspect.

The return of the 23-year-old former University of Virginia student ended an extradition fight that lasted three years and went as high as the European Court of Human Rights.

In a landmark ruling July 7, the court ruled that extraditing Soering would violate his human rights because he faced the death penalty.

Bedford County's prosecutor eventually agreed to seek first-degree murder charges against Soering and in August, Great Britain agreed to send him back to western Virginia. "He was very cooperative. He appeared to be at ease."

Carl Wells, the sheriff of Bedford County, Beamon and other security personnel arrived in London on Tuesday to complete the extradition paperwork and bring back Soering.

Soering was driven 30 miles to the Bedford County jail, where he arrived at approximately 6:30 p.m., and a preliminary hearing was set for Tuesday. Commonwealth's Attorney James Updike said, "It's another step in this long process; we'll now prepare for trial."

Defense lawyer Ray Ferris of Roanoke declined to say Friday whether Soering would plead guilty or innocent. But he said a previous statement by the lead attorney, Richard Neaton of Detroit, that they planned to vigorously defend Soering still held.

Soering's father, Klaus Soering, had been stationed in Detroit before he was recently transferred to Mauritania, West Africa.

Soering has spent three years in south London's Brixton Prison. He was arrested in April 1986 on a check fraud charge after fleeing to Europe with Elizabeth Haysom.

February 7, 1990

A hearing is held to determine whether the judge should step aside, since he knows the vic<ms' family. The judge refuses.

From the trial transcript of February 7, 1990, page 58:

As far as my connection with the victim's family, I did know Risque Benedict, who is a brother of Nancy. He did go to VMI two years, he did not graduate with me. Risque and I have never discussed this case. I think he's made a particular point of not discussing it with me, and I know that I have. Risque has not lived in this state a great deal of the time, I think now he's in California, and I expect maybe I have seen him four or five times since graduation, I'm not sure, but he's not someone I see on a regular basis. I think a lot of him, but he's not a very, very close personal friend, but certainly I know Risque Benedict and I would not deny that.

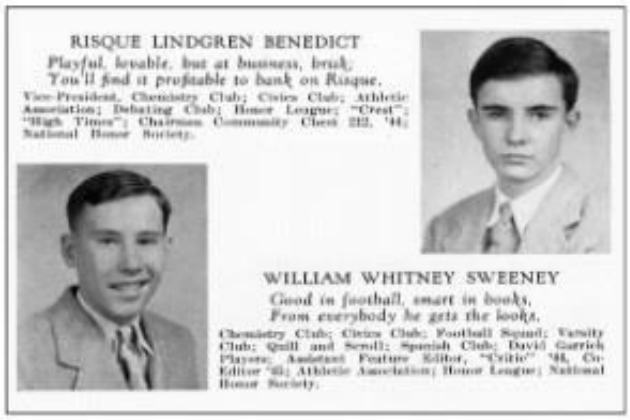
I knew Nancy Haysom mainly because of Risque. The statement in the defense allegation that I was a close friend of the Haysoms is simply not true; I was not, as everybody in this area who knows anything about it knows. I have never been in the

***

Aser Soering's trial, a resident of Bedford County researches Judge William Sweeney's rela<onship with Nancy Haysom's brother, Risque Benedict. She visits the library of E.C. Glass High School in Lynchburg and discovers yearbooks da<ng back to the 1940s. There, she finds photographic evidence

February 7, 1990, cont'd.

that Bill and Risque were friends not just in college, but in high school as well. Their rela<onship was older, longer and closer than the judge acknowledges on February 7 in court. This form of decep<on is commonly called a lie of omission.



RISQUE LINDGREN BENEDICT

Playful, lovable, but at business, brisk;
You'll find it profitable to bank on Risque.

Vice-President, Chemistry Club; Civics Club; Athletic Association; Debating Club; Honor League; "Crest"; "High Times"; Chairman Community Chest '43, '44; National Honor Society.

WILLIAM WHITNEY SWEENEY

Good in football, smart in books,
From everybody he gets the looks.

Chemistry Club; Civics Club; Football Squad; Varsity Club; Quill and Scroll; Spanish Club; David Garrick Players; Assistant Feature Editor, "Critic" '44, Co-Editor '45; Athletic Association; Honor League; National Honor Society.

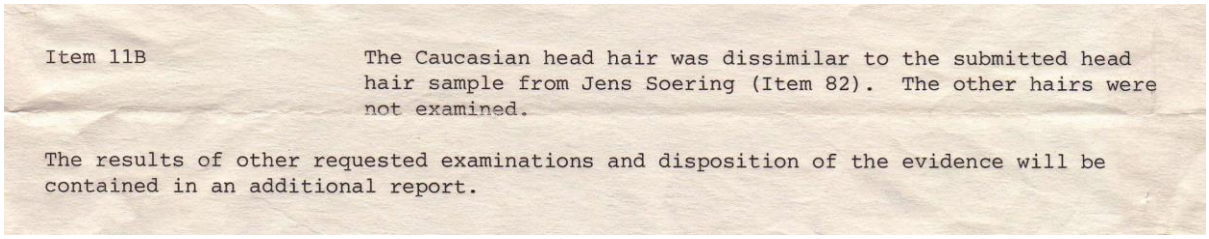
Judge Sweeney was a high school classmate of Risque Benedict, Nancy Haysom's brother. In addition to their senior pictures above, the 1945 E. C. Glass High School yearbook included the uncaptioned photo (right).

The Crest, E. C. Glass High School, Lynchburg, Virginia, 1945

February 8, 1990 — A

Soering is eliminated as a source of item 11B, the hair in the bloodstained bathroom sink. Because of its loca<on, this hair could only have been les by (one of) the killer(s) — see August 12, 1985 — D.

From the Cer<ficate of Analysis:



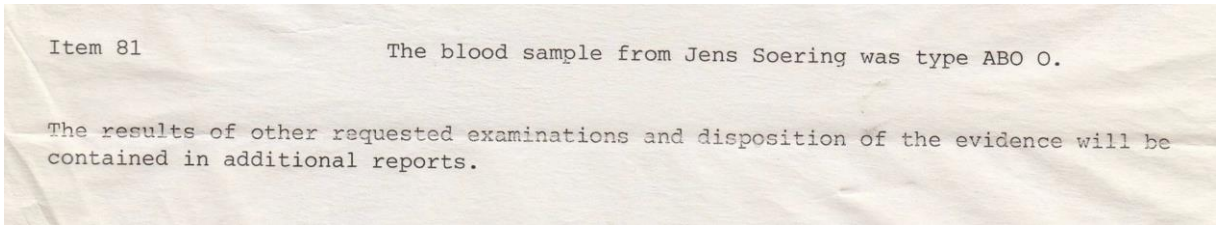
Item 11B	The Caucasian head hair was dissimilar to the submitted head hair sample from Jens Soering (Item 82). The other hairs were not examined.

The results of other requested examinations and disposition of the evidence will be contained in an additional report.

February 8, 1990 — B

Soering is determined to have type O blood, the same type as five blood samples from the crime scene — see August 12, 1985. Because the vic<ms had type A and AB blood, the type O blood must have been les by (one of) the killer(s).

From the Cer<ficate of Analysis:



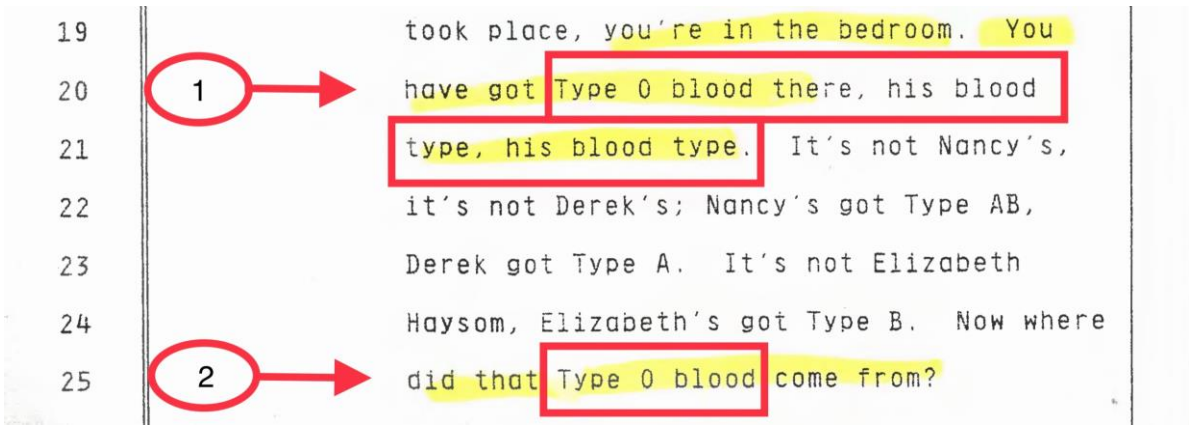
Item 81 The blood sample from Jens Soering was type ABO O.

The results of other requested examinations and disposition of the evidence will be contained in additional reports.

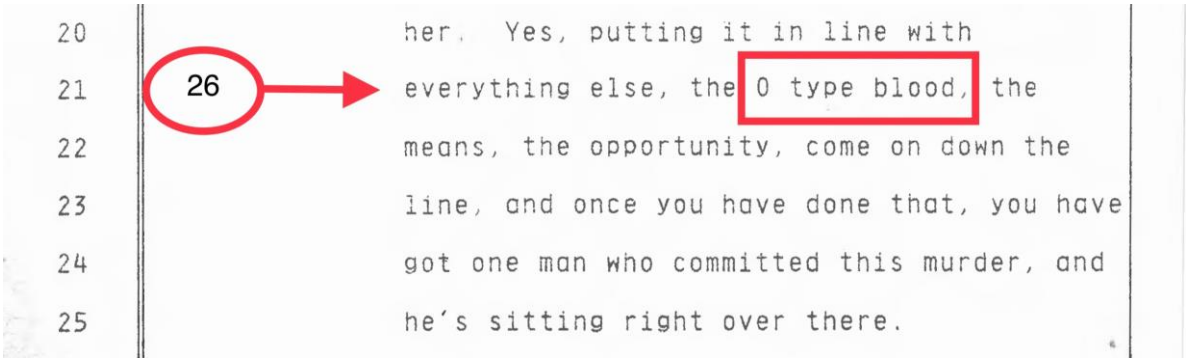
Roughly 45% of the popula<on have blood group O. But in his confession, Soering claimed to have bled at the crime scene aser injuring himself — see June 8, 1986. The presence of type O blood would appear to corroborate that part of his confession.

This becomes a central part of the prosecu<on's case against Soering. In his closing arguments, the prosecutor men<ons the type O blood *twenty-six* (26) <mes.

From the trial transcript of June 21, 1990, pages 81 and 215:



19 took place, you're in the bedroom. You
20 1 have got Type O blood there, his blood
21 type, his blood type. It's not Nancy's,
22 it's not Derek's; Nancy's got Type AB,
23 Derek got Type A. It's not Elizabeth
24 Haysom, Elizabeth's got Type B. Now where
25 2 did that Type O blood come from?

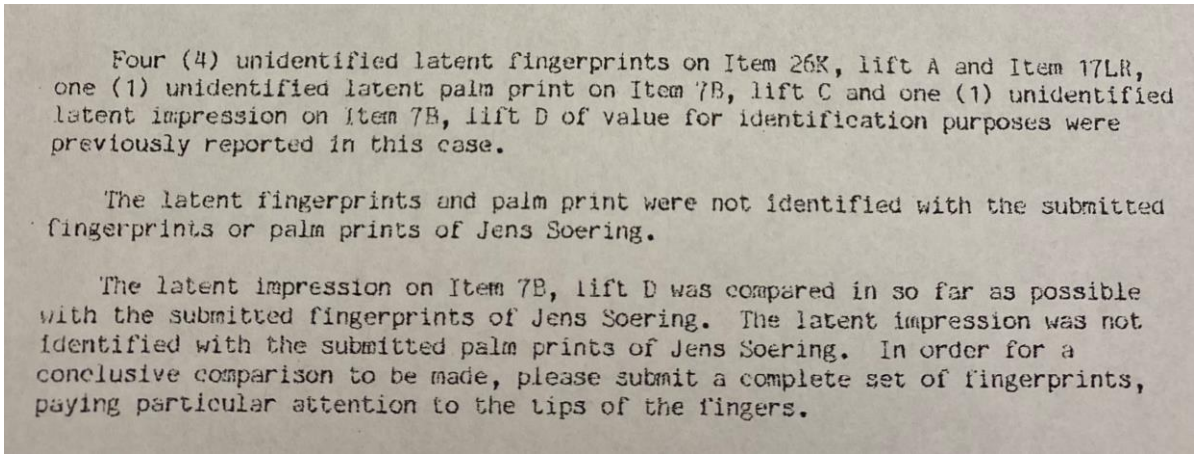


20 her. Yes, putting it in line with
21 26 everything else, the O type blood, the
22 means, the opportunity, come on down the
23 line, and once you have done that, you have
24 got one man who committed this murder, and
25 he's sitting right over there.

February 13, 1990

Soering is eliminated as the source of the last remaining uniden<fied fingerprints at the crime scene.

From the Cer<ficate of Analysis:



Four (4) unidentified latent fingerprints on Item 26K, lift A and Item 17LR, one (1) unidentified latent palm print on Item 7B, lift C and one (1) unidentified latent impression on Item 7B, lift D of value for identification purposes were previously reported in this case.

The latent fingerprints and palm print were not identified with the submitted fingerprints or palm prints of Jens Soering.

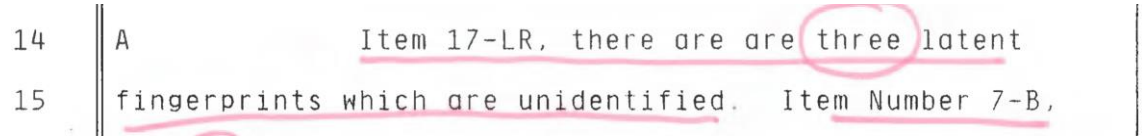
The latent impression on Item 7B, lift D was compared in so far as possible with the submitted fingerprints of Jens Soering. The latent impression was not identified with the submitted palm prints of Jens Soering. In order for a conclusive comparison to be made, please submit a complete set of fingerprints, paying particular attention to the tips of the fingers.

These fingerprints are found on an Old Plum Brandy boQle and an alcohol glass in the bar area, item 17LR — see June 8, 1985. It is surprising that Soering's fingerprints are not found in the bar area or on any alcohol glasses at the scene since he confessed to drinking alcohol with Derek and Nancy Haysom before killing them.

Haysom's fingerprints are found in this area on an Absolute Vodka boQle — see July 2, 1985.

The fingerprints on the brandy boQle and glass remain uniden<fied to this day.

From the trial transcript of June 13, page 70:



14 A Item 17-LR, there are are three latent
15 fingerprints which are unidentified. Item Number 7-B,

From the Cer<ficate of Analysis of November 7, 2014:

Description: Latent lifts from "Liquor from cabinet", Notes: originally submitted as Item 17LR Liquor from cabinet /
17LRP1-"Old Plum Brandy" / 17LRP2-specific origin not on lift /
17LRP3-"Glass #1 from Bar Area" / *other latent prints from 17LR previously reported as individualized

June 1, 1990 — A

Soering's trial begins. On the opening day, Albemarle Magazine publishes an ar<cle in which Judge William S. Sweeney openly states his view that Soering commiQed the crime.

From Albemarle Magazine:

Offering a scenario for March 30, 1985, Sweeney says he imagines the couple discussed the idea of murder, but "as far as the acts themselves, I don't think she planned all that out. It was like 'Double-Dare You,'" he explains. "I think she was shocked he took the dare."

For the second <me, Soering's aQorney asks the judge to step aside — see February 7, 1990. Judge Sweeney denies the mo<on, and all subsequent appellate courts uphold his decision. In Virginia, judges can decide themselves whether they are biased.

Abramson: Deciding Recusal Motions: Who Judges the Judges?

1994] *DECIDING RECUSAL MOTIONS* 549

example, Virginia's disqualification test results from both the statutory provision and the Code of Judicial Conduct: whether a trial judge should recuse himself or herself is left to the reasonable discretion of the trial judge.[15]

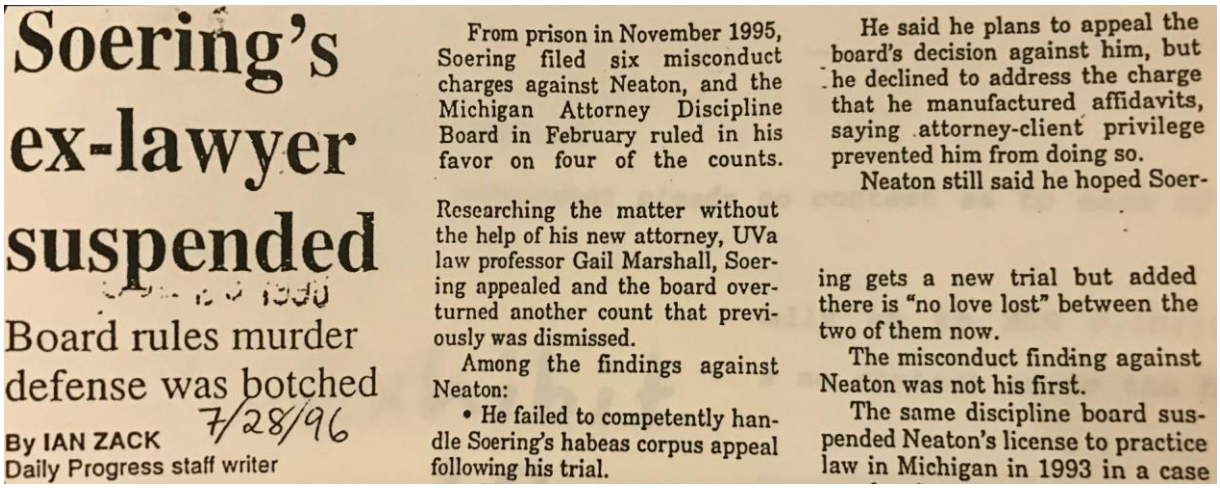
From the Valparaiso University Law Review:

https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1944&context=vulr

June 1, 1990 — B

Soering is represented by Richard A. Neaton, an aQorney from Michigan. Five years aser Soering's trial, Neaton loses his law license because of errors he made in handling Soering's case.

From the Daily Progress:



Soering's ex-lawyer suspended

Board rules murder defense was botched

7/28/96

By IAN ZACK
Daily Progress staff writer

From prison in November 1995, Soering filed six misconduct charges against Neaton, and the Michigan Attorney Discipline Board in February ruled in his favor on four of the counts.

Researching the matter without the help of his new attorney, UVa law professor Gail Marshall, Soering appealed and the board overturned another count that previously was dismissed.

Among the findings against Neaton:

• He failed to competently handle Soering's habeas corpus appeal following his trial.

He said he plans to appeal the board's decision against him, but he declined to address the charge that he manufactured affidavits, saying attorney-client privilege prevented him from doing so.

Neaton still said he hoped Soering gets a new trial but added there is "no love lost" between the two of them now.

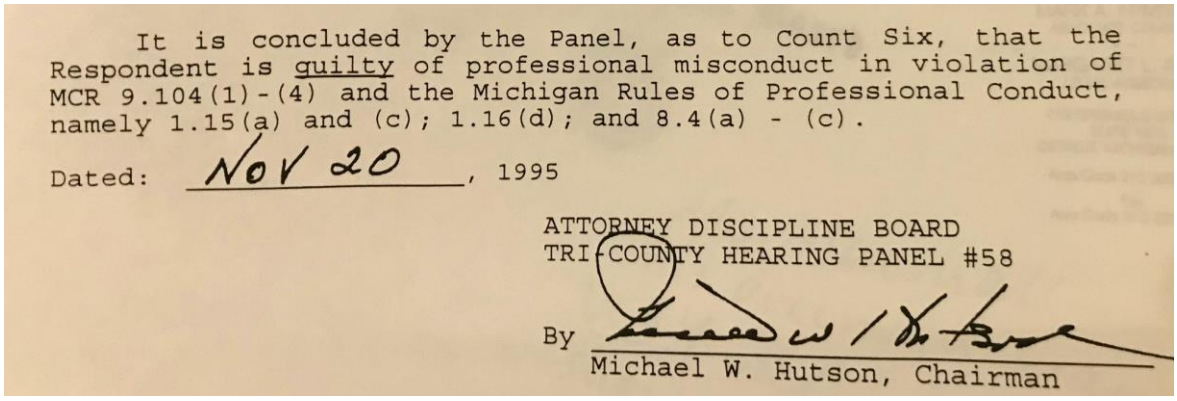
The misconduct finding against Neaton was not his first.

The same discipline board suspended Neaton's license to practice law in Michigan in 1993 in a case

From the Roanoke Times:

hQps://scholar.lib.vt.edu/VA-news/ROA-Times/issues/1996/rt9607/960726/07260044.htm

From the AQorney Discipline Board's ruling:



It is concluded by the Panel, as to Count Six, that the Respondent is guilty of professional misconduct in violation of MCR 9.104(1)-(4) and the Michigan Rules of Professional Conduct, namely 1.15(a) and (c); 1.16(d); and 8.4(a) - (c).

Dated: Nov 20, 1995

ATTORNEY DISCIPLINE BOARD
TRI-COUNTY HEARING PANEL #58

By _____
Michael W. Hutson, Chairman

June 1, 1990 — B, cont'd.

In his defense before the bar associa<on, Richard Neaton states that, between 1989 and 1992, he was suffering from a mental disability that prevented him from prac<cing law competently.

From Neaton's defense to case number 93/49 GA (November 2, 1993):

> A. At all times pertinent to the transactions alleged in the Formal Complaint, Respondent's ability to practice law was materially impaired by an emotional or mental disability which substantially contributed to the conduct in question, and that said impairment is susceptible to treatment, and Respondent has in good faith pursued treatment, and has and will submit a detailed plan for continued treatment in accordance with MRC 9.121(C)(1)(d);

During Soering's habeas corpus proceedings, Dennis W. Dohnal — former President of the Richmond Bar Associa<on and later a federal magistrate — gave his expert opinion on Neaton's work.

From the Joint Appendix to Soering v. Deeds, page 350:

> 10. Based on my review of the specified materials, I have concluded that defense counsel's performance was deficient at trial, to the point of falling below the acceptable level of reasonable competence required, by the failure of counsel to have a forensic witness available to at least attempt to neutralize, if not rebut the evidence presented by the prosecution through its witness, Robert B. Hallett.

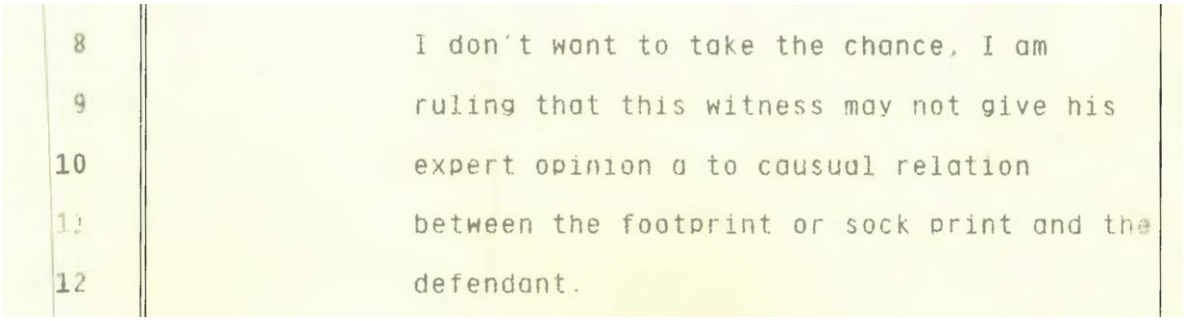
The aQorney general's office does not present an expert witness to rebut Dohnal's expert opinion.

S<ll, all federal courts rule that Soering does not deserve a new trial on the basis of "ineffec<ve assistance of counsel," as this issue is called in habeas corpus proceedings.

June 4, 1990

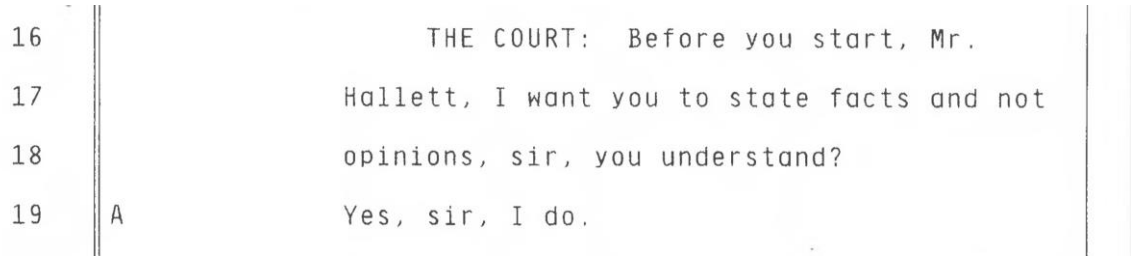
Judge William S. Sweeney rules that forensic examiner Robert B. HalleQ may not tes<fy as an expert witness and may not give his opinion about bloody sock print LR3 — see June 7, 1985.

From the trial transcript of June 4, 1990, page 272:



I don't want to take the chance, I am ruling that this witness may not give his expert opinion a to causual relation between the footprint or sock print and the defendant.

From the trial transcript of June 13, 1990, page 129:



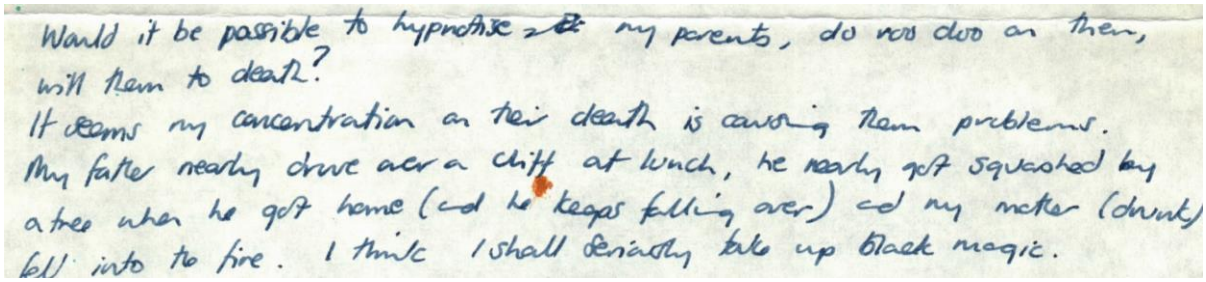
THE COURT: Before you start, Mr. Hallett, I want you to state facts and not opinions, sir, you understand?

A Yes, sir, I do.

June 6, 1990

During the Christmas holidays in 1984, Soering and Haysom exchanged leQers. Some passages from these leQers are read into evidence during Soering's trial.

From Haysom's leQers:



Would it be possible to hypnotise my parents, do voo doo on them, will them to death?
It seems my concentration on their death is causing them problems.
My father nearly drove over a cliff at lunch, he nearly got squashed by a tree when he got home (and he keeps falling over) and my mother (drunk) fell into the fire. I think I shall seriously take up black magic.

From Soering's leQers:

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.

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,

June 8, 1990

A family friend of the Haysoms, Donald Harrington, tes<fies that he observed Soering standing next to Haysom's college roommate, Chris<ne Kim, at the vic<ms' funeral service. He claims he saw a bruise on Soering's face and bandages on his fingers. He also claims to have reported this to the police about ten days aser the funeral service.

From the transcript of June 8, 1990, pages 41 to 43:

and I noticed Mr. Soering standing at floor level at the stairway, Miss Haysom was on the first step, and a young girl 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 at the time that he had received a good right cross.

Q On his left cheek. Did you notice anything else at that time?
A Yes, I noticed that he had a couple of bandaged fingers.
Q A couple of bandaged fingers?
A Yes, on his left hand.
Q And there were bandages, then, on those fingers at that time?
A Yes.

Q I'm sorry to cut you off, I asked you when you reported it to the police.
A Approximately a week, 10 days later.

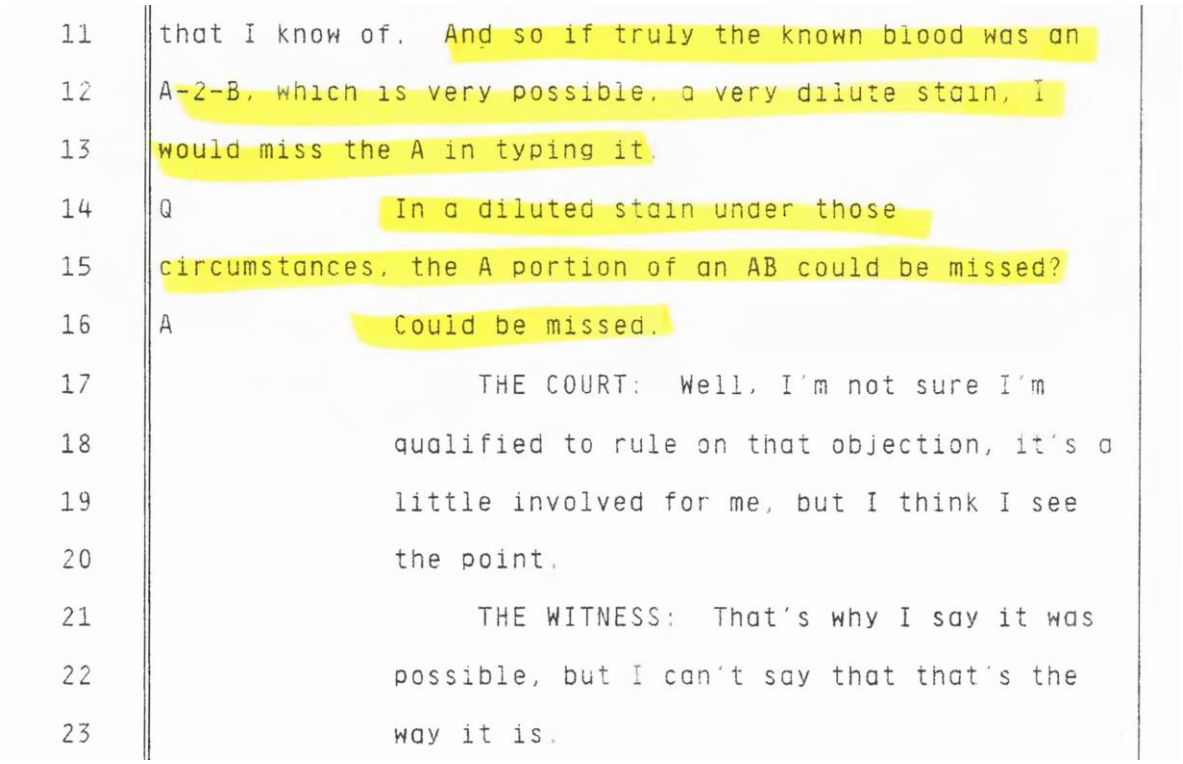
June 12, 1990

Forensic examiner Mary Jane Burton found blood belonging to all four blood groups at the crime scene — see August 12, 1985 — A. This presents a major problem for the prosecu<on since Soering claimed to have commiQed the crime alone — see June 8, 1986. If that were true, there should only be *three* blood groups at the crime scene.

Also, the sample belonging to the *fourth* blood group, item 38K, belonged to Haysom's blood group B — see November 18, 1985. Item 38K was found next to Nancy Haysom's body in the kitchen. If Haysom had really been in Washington, D.C., while the murders occurred in Bedford, her blood group should not have been found at the crime scene.

To overcome this problem, forensic examiner Burton tes<fies that item 38K might not be blood group B at all. She says that it might be blood group AB, with only the A factor washed out.

From the trial transcript of June 12, 1990, page



that I know of. And so if truly the known blood was an A-2-B, which is very possible, a very dilute stain, I would miss the A in typing it.

Q In a diluted stain under those circumstances, the A portion of an AB could be missed?

A Could be missed.

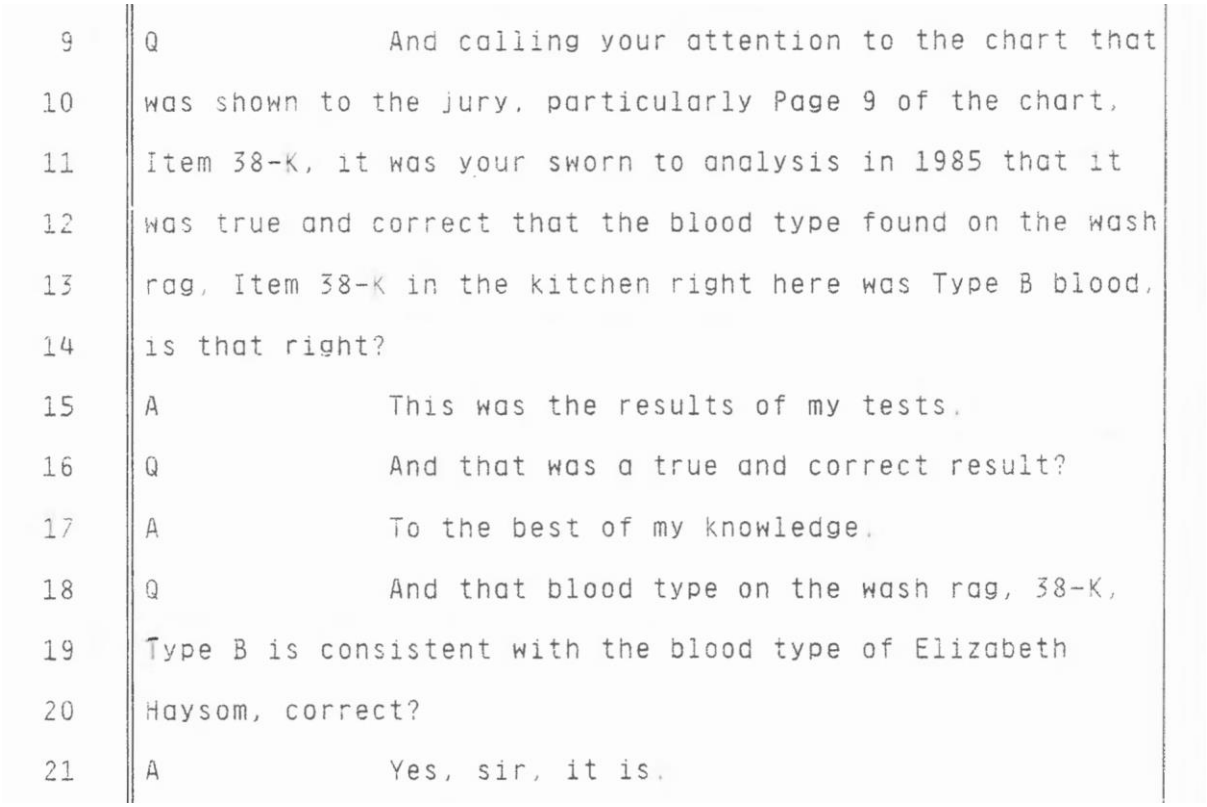
THE COURT: Well, I'm not sure I'm qualified to rule on that objection, it's a little involved for me, but I think I see the point.

THE WITNESS: That's why I say it was possible, but I can't say that that's the way it is.

June 13, 1990 — A

On cross-examina<on, Mary Jane Burton is forced to admit that there is no reason to doubt her original finding that item 38K belongs to blood group B.

From the trial transcript of June 13, 1990, pages 24, 27 and 28:



Q And calling your attention to the chart that was shown to the jury, particularly Page 9 of the chart, Item 38-K, it was your sworn to analysis in 1985 that it was true and correct that the blood type found on the wash rag, Item 38-K in the kitchen right here was Type B blood, is that right?

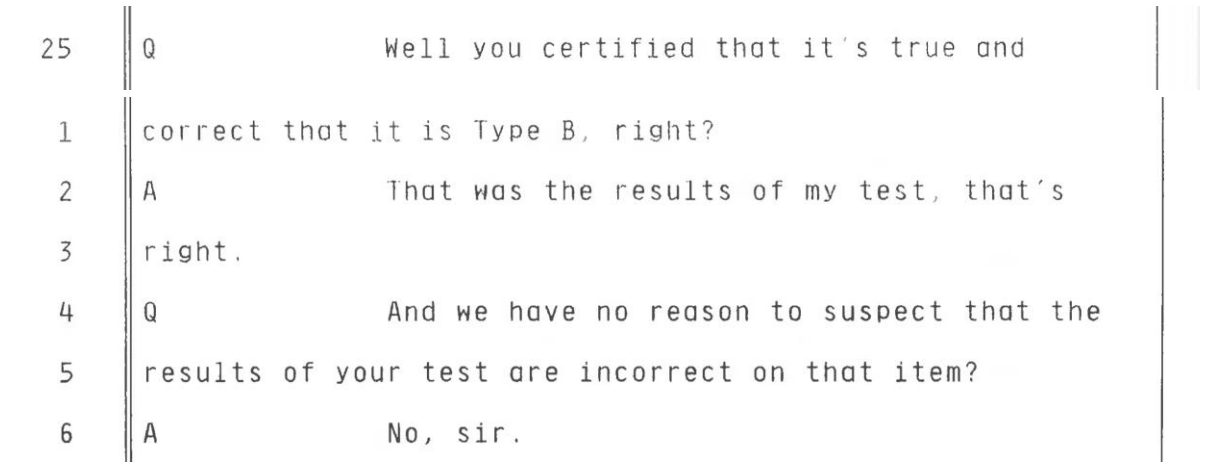
A This was the results of my tests.

Q And that was a true and correct result?

A To the best of my knowledge.

Q And that blood type on the wash rag, 38-K, Type B is consistent with the blood type of Elizabeth Haysom, correct?

A Yes, sir, it is.



Q Well you certified that it's true and correct that it is Type B, right?

A That was the results of my test, that's right.

Q And we have no reason to suspect that the results of your test are incorrect on that item?

A No, sir.

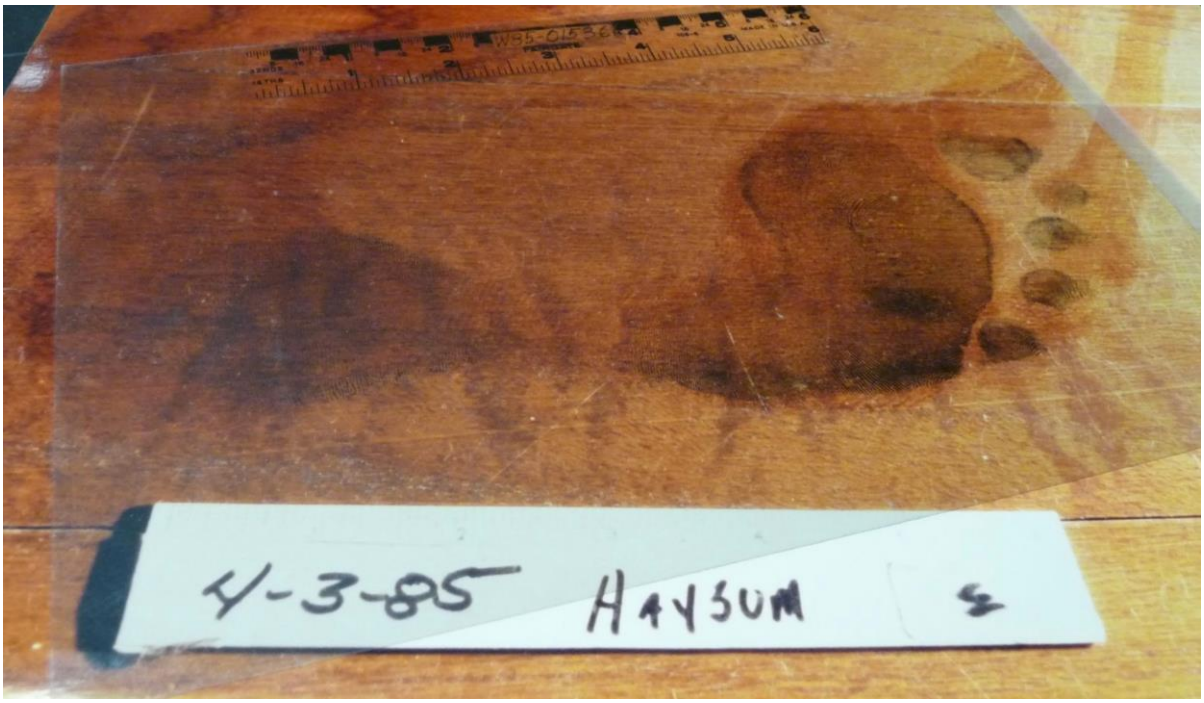
In 2023, a new podcast about Mary Jane Burton is released. This podcast details how she manipulated evidence to help the prosecu<on.

hQps://admissible.vpm.org/hQps://admissible.vpm.org/

June 13, 1990 — B

Robert HalleQ tes<fies as a lay witness, not as an expert witness — see June 4, 1990. He places a photograph of a sample ink footprint of Soering's over the bloody sock print from the crime scene, item LR3. The two look very similar.

From the trial photos:



LR3

Jens Soering

June 13, 1990 — B, cont'd.

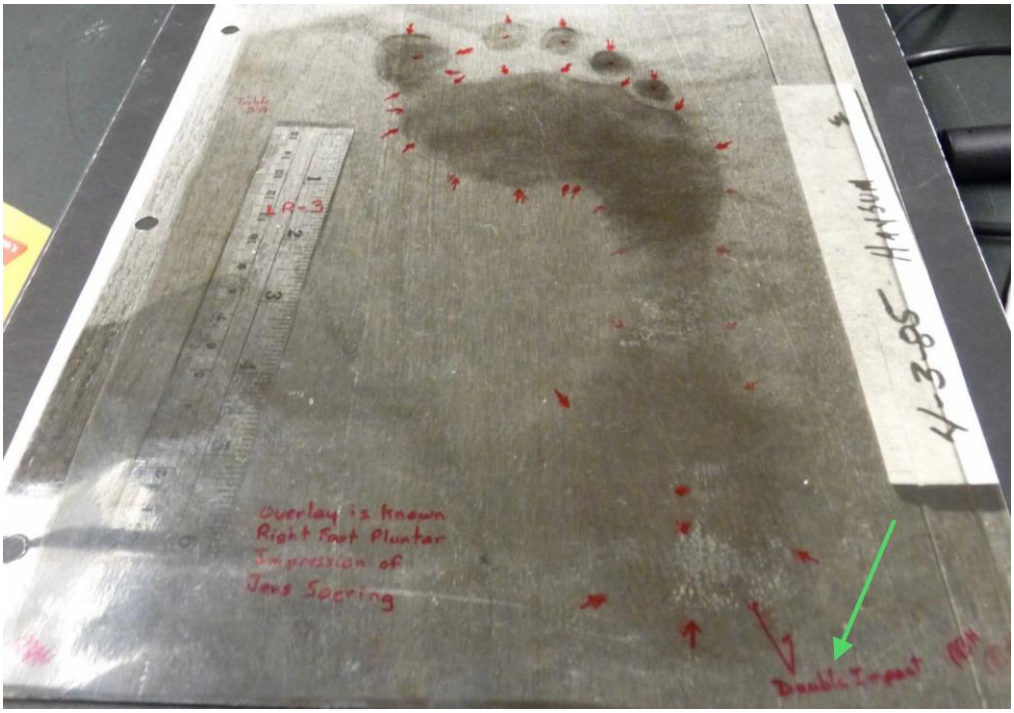
However, Soering's footprint is nearly half an inch longer than the sock print. This is not surprising since Soering wears an 8 ½ shoe and the sock print was originally determined to correspond to a size 5 to 6 man's foot — see June 7, 1985.

HalleQ explains away this size difference with the theory that Soering's heel may have made a "double impression." Judge William Sweeney allows HalleQ to state this opinion in spite of his earlier ruling that HalleQ was not an expert qualified to state opinions.

From the trial transcript of June 13, 1990, page 131, and from the trial photos:

One of the impressions from Jens Soering's walking impression was selected as a demonstration purpose here. This foot impression was made in ink, it involved the bare foot of Jens Soering. I again examined it for its clarity, the presence of all of the toes that there hadn't been an accidental move. There was a double impression at the heel.

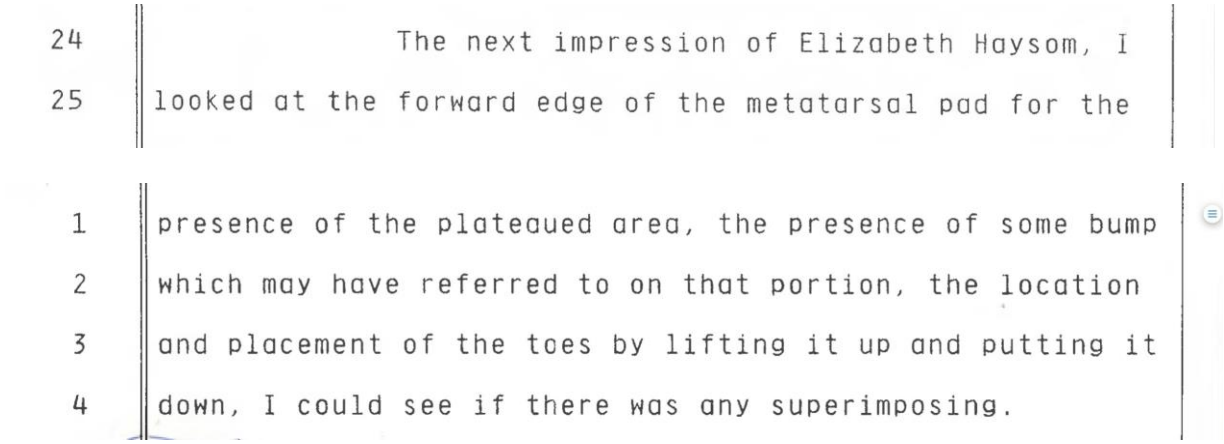
MR. NEATON: I would object to that, to an opinion.



June 13, 1990 — B, cont'd.

Robert HalleQ also shows the jury a comparison of one of Haysom's sample ink footprints to sock print LR3. The two do not look similar at all. This creates the impression that only Soering could have les the sock print.

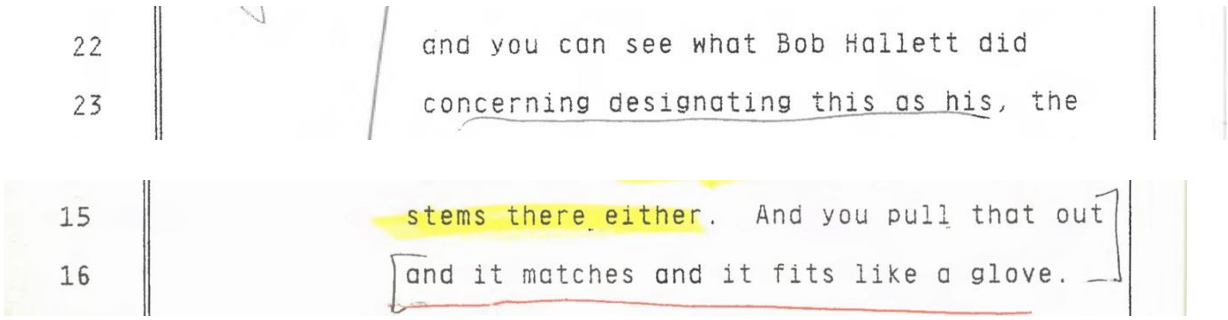
From the trial transcript of June 13, 1990, pages 135 and 136:



The next impression of Elizabeth Haysom, I looked at the forward edge of the metatarsal pad for the presence of the plateaued area, the presence of some bump which may have referred to on that portion, the location and placement of the toes by lifting it up and putting it down, I could see if there was any superimposing.

The effect of this comparison is clear: the sock print was les by Soering, not Haysom. In his closing statements, the prosecutor describes Robert HalleQ's tes<mony as "designa<ng this as his." It "matches and it fits like a glove."

From the trial transcript of June 21, 1990, pages 87 and 94:



and you can see what Bob Hallett did concerning designating this as his, the

stems there either. And you pull that out and it matches and it fits like a glove.

June 13 and 14, 1990

Haysom tes<fies that, on March 30, 1985, she remained in Washington, D.C., while Soering drove to Bedford County and killed her parents. Much of her tes<mony at Soering's trial is inconsistent with her earlier statements, other witnesses' statements or the forensic evidence.

Inconsistencies #1 through 10

Haysom gave five different accounts of the murder weapon and five different accounts of the movie <ckets that she supposedly bought in Washington while Soering was killing her parents in Bedford.

On February 18, 2007, the Virginian Pilot published an award-winning feature en<tled, "No hope for Jens Soering." This included a convenient chart lis<ng all ten stories that Haysom told.

About the Murder Weapon

1. During their weekend in Washington, she and Soering bought a "butterfly" knife for Soering's brother's birthday. —Police interview in London, June 8, 1986

2. They bought the knife "to kill my parents." —Police interview in Bedford, May 8, 1987

3. She wasn't with Soering when the knife was bought and doesn't know if it was used. —Police interview in Bedford, May 14, 1987

4. Soering first told her he used a steak knife, then brought up the butterfly knife six months later. The story about a birthday gift was a lie. —Testimony at her sentencing hearing, October 5, 1987

5. The birthday story was true, after all. Soering used a steak knife for the murders. —Testimony at Soering's trial, June 13, 1990

About the Alibi

1. She attended two movies Saturday afternoon, buying two tickets each time, but not for the purpose of creating an alibi. —Police interview in London, June 8, 1986

2. She arranged the alibi. —Later, in the same police interview June 8, 1986

3. They had agreed on the two-ticket alibi, but she bought only one ticket all day for a midnight show. —Police interview in Bedford, May 8, 1987

4. She bought the tickets but didn't attend the movies. The alibi wasn't hatched until after the murders. —Testimony at her sentencing hearing, October 5, 1987

5. The alibi was hatched before the murders. She remembers the second movie showing around 4 p.m. The time on the ticket stubs is 10:15. —Testimony at Soering's trial, June 13, 1990

With paywall:
hQps://www.pilotonline.com/news/crime/ar<cle_57efdc19-7a0c-5f88-a9f8-e06a5bed372d.html

Inconsistency #10, cont'd.

The tenth inconsistency listed in Bill Sizemore's ar<cle is especially interes<ng. At Soering's trial, Haysom tes<fied that she bought <ckets for two movies on the asernoon of March 30: "Witness" and "Stranger than paradise." The first set of <ckets were supposedly bought around 1 or 2 p.m., the second around 4 or 5 p.m.

From the trial transcript of June 13, 1990, page 122:

Q And then you walked to the -- in that haze you walked around, and then you came to the Stranger in Paradise theater or the Witness theater, right, one of the two?

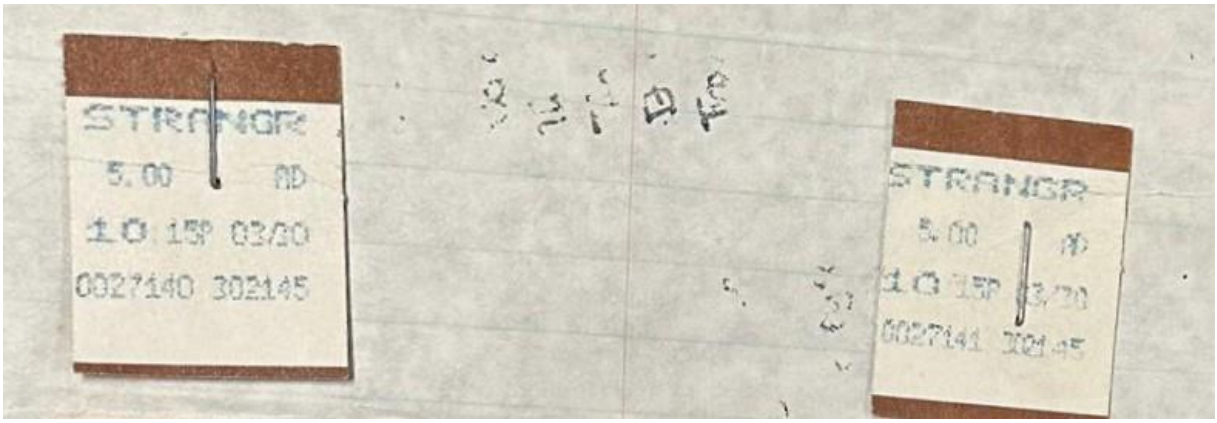
A I walked around for a period of time, I scored some more dope, I got a taxi and I went to the second movie that we had agreed that I would go to, I bought some more tickets, two of each, and um --

Q And that was at what, about four or five in the afternoon?

A Yes, I suppose, something like that, yes, it would be a couple of hours after the first movie.

But the <me on the <ckets for "Stranger than paradise" is not 4 or 5 p.m., as Haysom claimed, but 10:15 p.m.

From the trial exhibits:



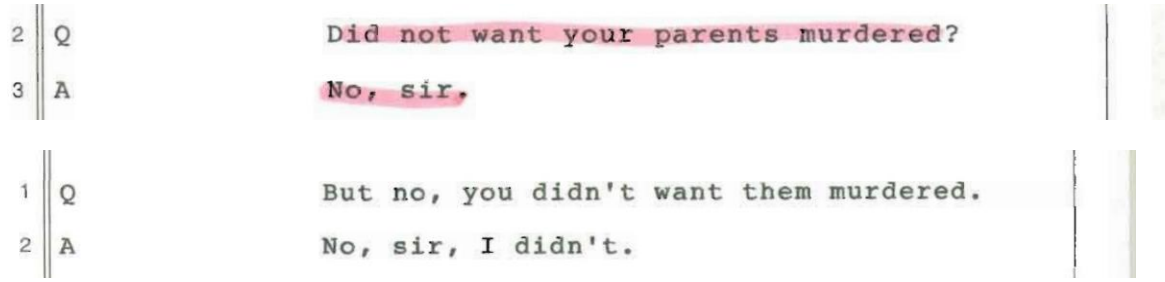
It seems unlikely that Haysom made a simple mistake about the <me of the second movie. At that <me of year, on March 30, there would have s<ll been daylight at 4 or 5 p.m., but at 10:15 p.m., it would have been completely dark.

For more informa<on on the movie <ckets, please see the Introduc<on to this report.

Inconsistency #11

At her 1987 sentencing hearing, Haysom repeatedly claimed that she did not want Soering to kill her parents.

From the trial transcript of October 6, 1987, pages 305 and 312:

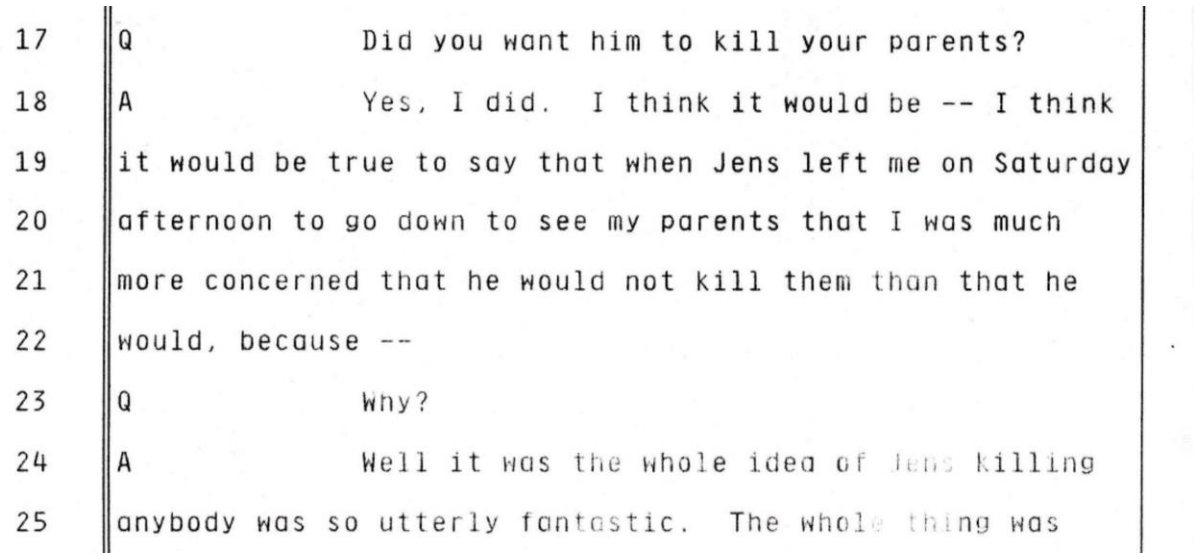


2 Q Did not want your parents murdered?
3 A No, sir.

1 Q But no, you didn't want them murdered.
2 A No, sir, I didn't.

But at Soering's trial, Haysom tes<fies that she *did* want Soering to kill her parents.

From the trial transcript of June 13, 1990, page 174:



17 Q Did you want him to kill your parents?
18 A Yes, I did. I think it would be -- I think
19 it would be true to say that when Jens left me on Saturday
20 afternoon to go down to see my parents that I was much
21 more concerned that he would not kill them than that he
22 would, because --
23 Q Why?
24 A Well it was the whole idea of Jens killing
25 anybody was so utterly fantastic. The whole thing was

Inconsistency #12

Haysom tes<fies that she ordered both food and alcohol on room service in Washington, D.C., while Soering was killing her parents in Bedford.

From the trial transcript of June 14, 1990, page 134:

Q What did you buy on the room service?
A I bought some alcohol and some food, I believe.
Q Did you buy two meals?
A I don't remember specifically, but I bought food and alcohol.

But this is inconsistent with the tes<mony of Yale Feldman, the manager of the MarrioQ Hotel. He tes<fied that a boQle of Jack Daniel's alone would have cost $30, incl. gratuity and service charge. The room service bill of $33.11 was too small to account for both food and alcohol.

From the trial transcript of June 6, 1990, page 152:

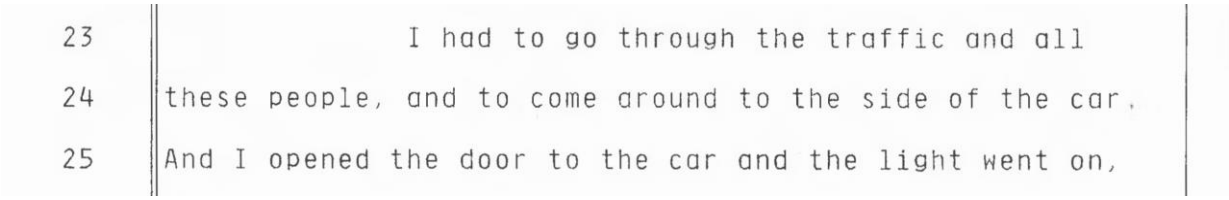
Q Can you state today what a bottle of Jack Daniels would have cost on room service on March the 30th of 1985?
A With gratuity, that would have been about it.
Q About $30?
A Probably. I would say, and again, I'm speculating, I worked at the hotel as resident manager prior to 1985 also, so I do have knowledge of what our prices were prior to that. But we were probably charging something in the neighborhood of 22 to $25 for a bottle of Jack Daniels for room service, which with the gratuity at that time, the service charge added would have been 15 or 16 percent on top of that.
Q And then any food ordered over and above that particular type of liquor would have been additional, right?
A It would have been additional, and if the

For more informa<on on the room service, please see the Introduc<on to this report.

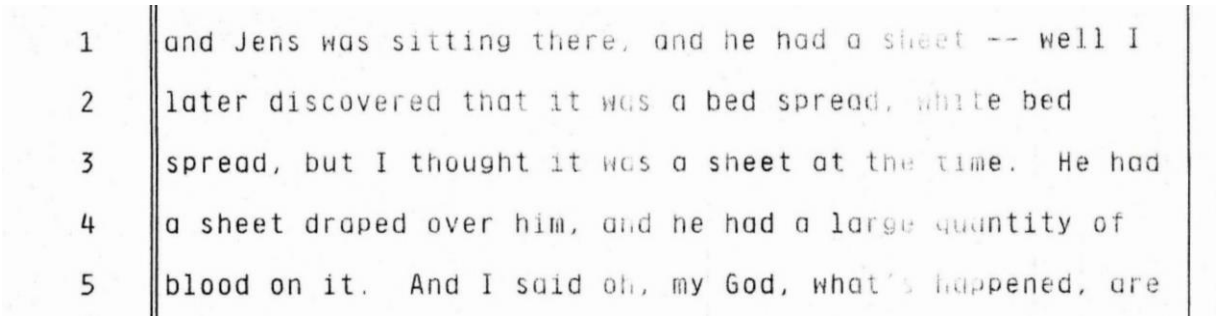
Inconsistency #13

Haysom tes<fies that when Soering returned from killing her parents, he was covered in a bedsheet with a large quan<ty of blood on it.

From the trial transcript of June 13, 1990, pages 179 to 180, and October 5, 1987, page 170:

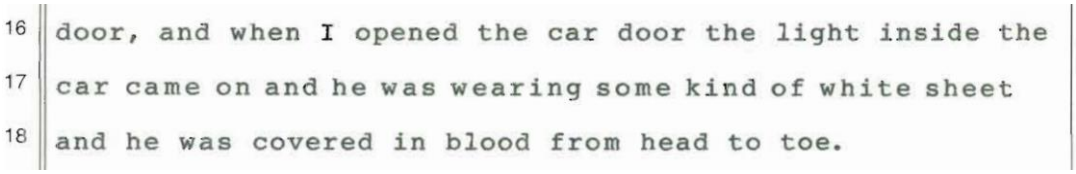


I had to go through the traffic and all these people, and to come around to the side of the car. And I opened the door to the car and the light went on,



and Jens was sitting there, and he had a sheet -- well I later discovered that it was a bed spread, white bed spread, but I thought it was a sheet at the time. He had a sheet draped over him, and he had a large quantity of blood on it. And I said oh, my God, what's happened, are

***

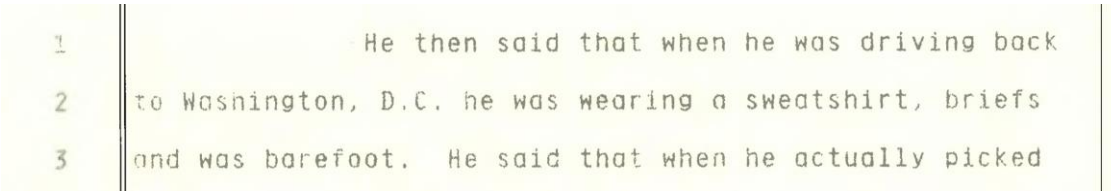


door, and when I opened the car door the light inside the car came on and he was wearing some kind of white sheet and he was covered in blood from head to toe.

But this is inconsistent with the tes<mony of Sylvia Moore, the service staff at the car rental company. She tes<fied that the car was “spotless” when it was returned the next day — see June 25, 1985.

Haysom’s account is also inconsistent with Soering’s account. During his interroga<on on June 8, 1986, he told inves<gators he was wearing a sweatshirt and underwear.

From the trial transcript of June 7, 1990, page 224:



He then said that when he was driving back to Washington, D.C. he was wearing a sweatshirt, briefs and was barefoot. He said that when he actually picked

Inconsistency #14

Haysom tes<fies that she cleaned the blood from the car with Coca-Cola.

From the trial transcript of June 13, 1990, pages 181 and 182:

took a shower. And he told me to go downstairs -- go down to the parking, to the car and take a bottle of Coca-cola with me, and to clean the blood in the car.

Q Bottle of Coca-cola?

A With Coca-cola, because apparently Coca-cola eats anything.

Q And when he told you to do that, did you do it?

A Yes, I did. I went down to the car, I cleaned parts of the car, he made particular reference to

Again, this is inconsistent with the tes<mony of Sylvia Moore — see June 25, 1985, and below.

From the trial transcript of June 6, 1990, page 132:

Q And how badly did it need cleaning?

A The car didn't need cleaning at all.

Q Didn't need cleaning at all?

A

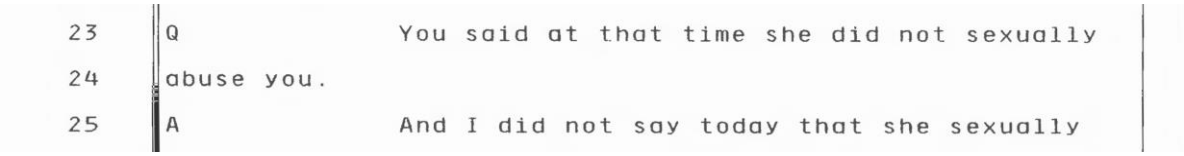
A No. Most cars when they come back in they're, you know, some wear and tear on them, but the car was clean when it was returned, so mainly all I had to do was the maintenance stuff under the hood. The rest of it was spotless.

MR. UPDIKE: It was spotless. If you

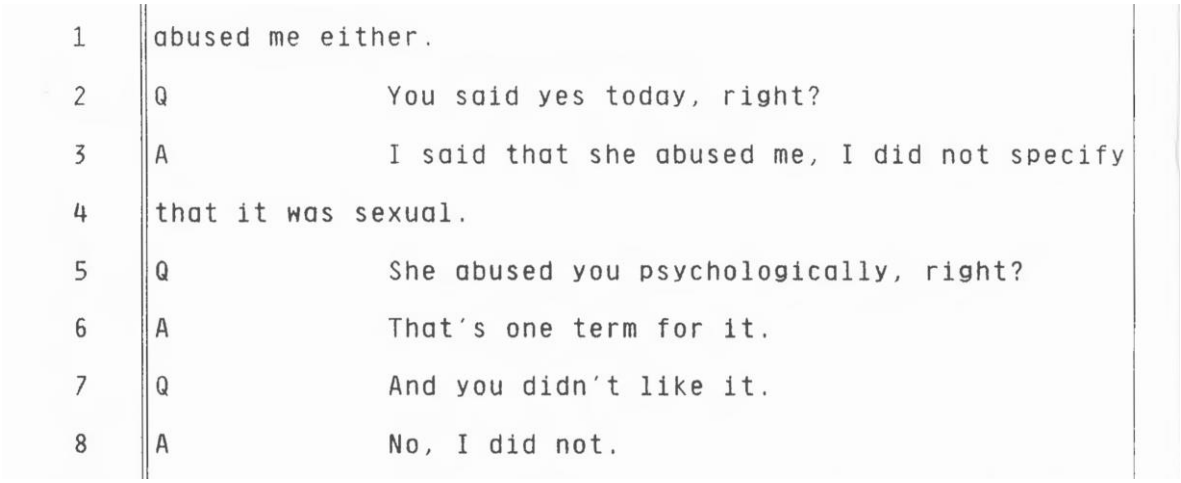
Inconsistency #15

Before and during her sentencing hearing in 1987, Haysom gave conflic<ng statements about possible sexual abuse by her mother. At Soering's trial in 1990, she clearly denies being sexually abused.

From the trial transcript of June 14, 1990, pages 152 and 153:



23 Q You said at that time she did not sexually
24 abuse you.
25 A And I did not say today that she sexually



1 abused me either.
2 Q You said yes today, right?
3 A I said that she abused me, I did not specify
4 that it was sexual.
5 Q She abused you psychologically, right?
6 A That's one term for it.
7 Q And you didn't like it.
8 A No, I did not.

June 14, 1990

On October 12, 1985, Haysom wrote an entry in her and Soering's travel diary to the effect that Soering was worried about his fingerprints being found at the crime scene. This diary entry raised the suspicion of Bri<sh officers aser Soering's and Haysom's arrest in London, England — see May 1, 1986.

At Soering's trial, Haysom admits that this diary entry was a lie meant to deceive Soering.

From the trial transcript of June 14, 1990, pages 163 and 164:

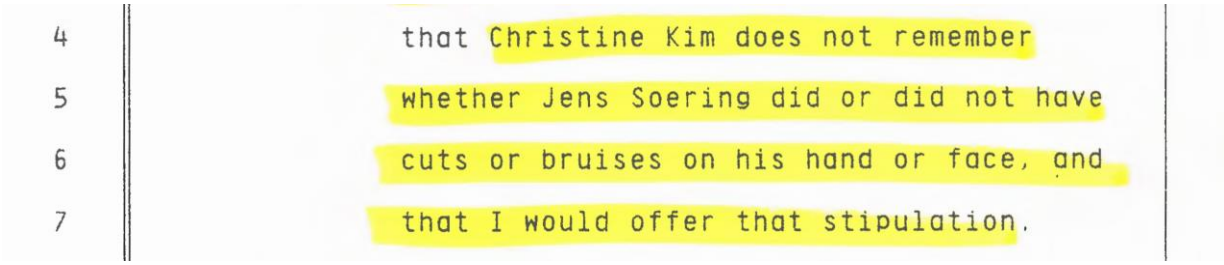
18	A	There are a great many lies in many of these
19	diaries.	
20	Q	And they were deliberately put in there by
21	you in that October 12th entry?	
22	A	I don't understand.
23	Q	You intentionally wrote what you did in the
24	October 12th entry to deceive Jens, right?	
25	A	It was a continuance of a deception, yes.

June 15, 1990

Earlier in the trial, a friend of the Haysom family, Donald Harrington, tes<fied that he had observed a black eye on Soering's face and bandages on his hands while he was standing next to Haysom's college roommate, Chris<ne Kim, at the funeral service — see June 8, 1990.

Chris<ne Kim gives s<pulated wriQen tes<mony that she does not recall whether Soering had injuries or not.

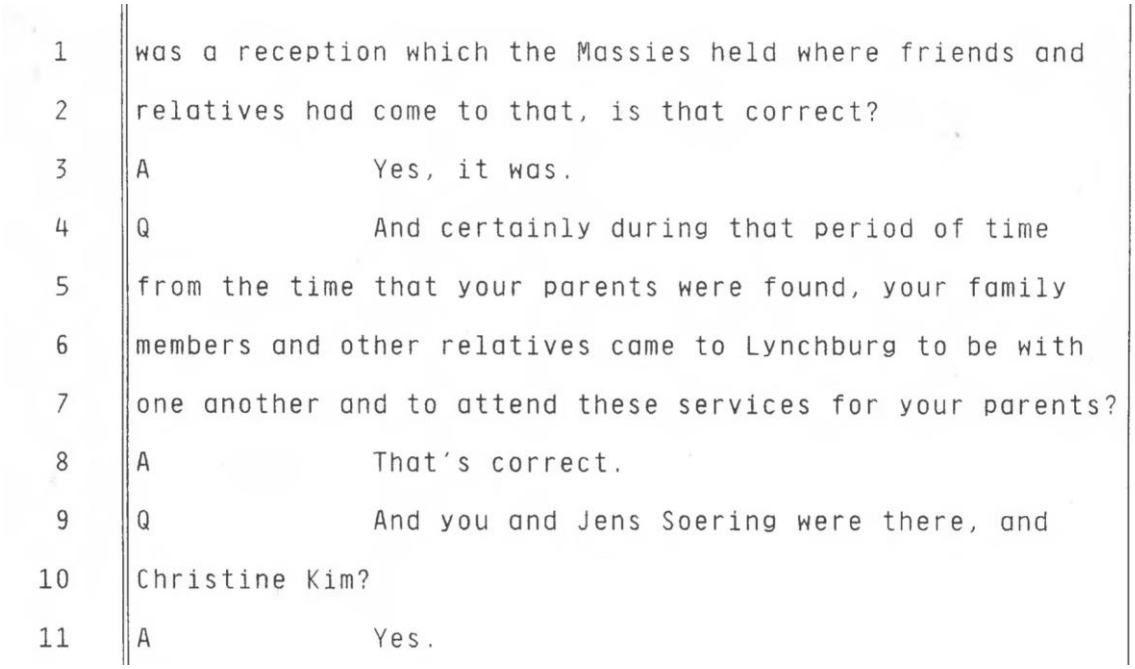
From the trial transcript of June 15, 1990, page 22:



that Christine Kim does not remember
whether Jens Soering did or did not have
cuts or bruises on his hand or face, and
that I would offer that stipulation.

This is significant since Chris<ne Kim spent the en<re week before the funeral service with Soering and Haysom. They stayed together at the home of Annie Massie — a close family friend — and at a cousin's house. Throughout this <me, and at the funeral service itself, they were together with Haysom family members.

From the trial transcript of June 13, 1990, pages 187 and 188:



was a reception which the Massies held where friends and relatives had come to that, is that correct?
A Yes, it was.
Q And certainly during that period of time from the time that your parents were found, your family members and other relatives came to Lynchburg to be with one another and to attend these services for your parents?
A That's correct.
Q And you and Jens Soering were there, and Christine Kim?
A Yes.

June 15, 1990 — A, cont'd.

Q And who came with you?
A Jens and my roommate Christine.
Q Where did you stay, just briefly, I won't go into a lot of detail here, but just --
A The first few nights, one or two nights, I'm not sure, we stayed with the Massies, and then the three of us moved to a cousin of mine's house, and then we were there one or two nights either, I'm not sure, and then we moved to another house, because the people were away.
Q And there was certainly a service for your parents which you attended, am I correct there?
A Yes, that's correct.
Q And I think after that, perhaps on Sunday, I'm not certain of the date, but during that weekend there

Strangely, none of these people — some of whom spent hours each day in Soering's company — could corroborate Harrington's tes<mony about bandages or bruises on Soering:

At Soering's trial, Donald Harrington tes<fied that he had informed the police about his observa<ons within ten days of the funeral service — see June 8, 1990. But:

- Ricky and I made no efforts to contact Soering un<l five months later.

  If a witness had reported seeing injuries on the boyfriend of the vic<ms' daughter, wouldn't Ricky and I have ques<oned Soering *immediately* as the prime suspect?

- When we finally ques<oned Soering on October 6, 1985, Ricky and I never confronted Soering with Harrington's observa<ons.

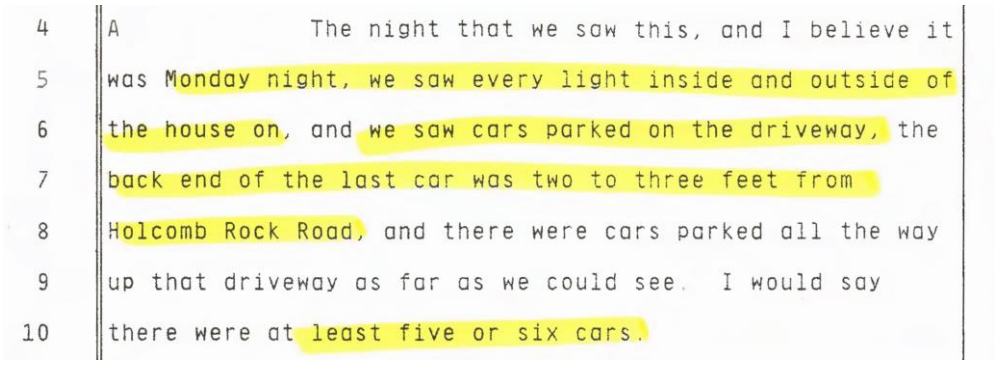
  Once we had him in the interroga<on room, wouldn't Ricky and I have asked Soering about bandages and bruises?

June 18, 1990

A neighbor of Derek and Nancy Haysom, Jean Bass, tes<fies about two observa<ons she made *before* April 3, the day the crime was discovered:

- On the night of April 1, 1985, she saw many cars in the Haysoms' driveway.

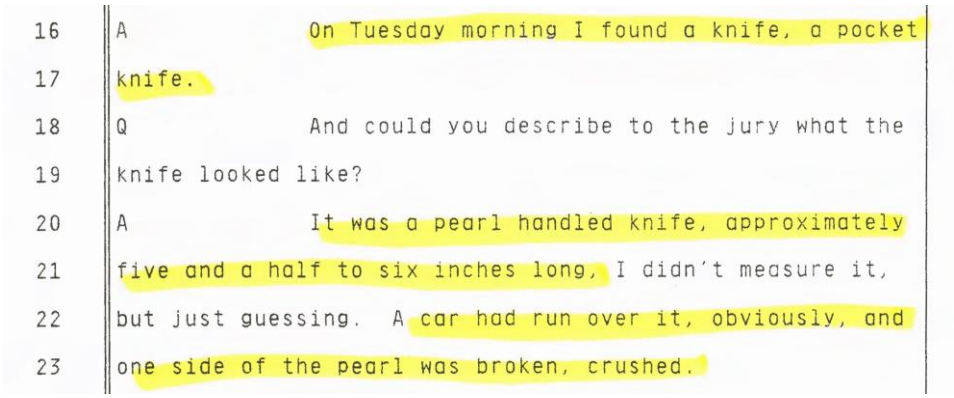
  From the trial transcript of June 18, 1990, page 38:



A The night that we saw this, and I believe it was Monday night, we saw every light inside and outside of the house on, and we saw cars parked on the driveway, the back end of the last car was two to three feet from Holcomb Rock Road, and there were cars parked all the way up that driveway as far as we could see. I would say there were at least five or six cars.

- On April 2, 1985 — one day before the murders were discovered — she found a pearl-handled knife on the road in front of the Haysoms' house.

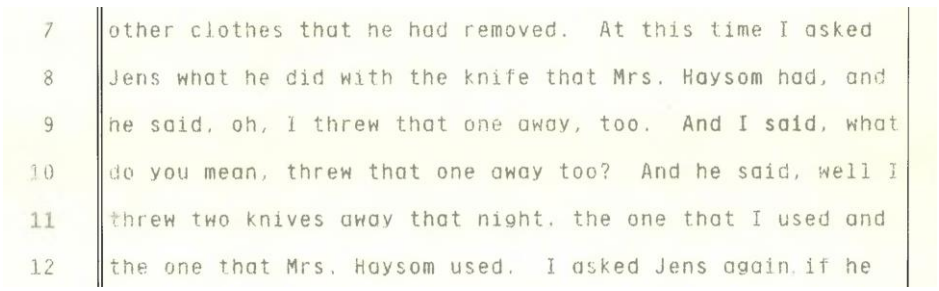
  From the trial transcript of June 18, 1990, page 38:



A On Tuesday morning I found a knife, a pocket knife.
Q And could you describe to the jury what the knife looked like?
A It was a pearl handled knife, approximately five and a half to six inches long, I didn't measure it, but just guessing. A car had run over it, obviously, and one side of the pearl was broken, crushed.

  This could be significant because, in his confession, Soering claimed he threw two knives used in the commission of the crime into a dumpster.

  From the trial transcript of June 7, 1990, page 108:



other clothes that he had removed. At this time I asked Jens what he did with the knife that Mrs. Haysom had, and he said, oh, I threw that one away, too. And I said, what do you mean, threw that one away too? And he said, well I threw two knives away that night, the one that I used and the one that Mrs. Haysom used. I asked Jens again if he

June 18 and 19, 1990 — A

Soering takes the stand and tes<fies that, on March 30, 1985, he remained in Washington, D.C., while Haysom drove off in her rental car, supposedly to meet her drug dealer. In the early hours of March 31, she returned and told him that she had killed her parents, blaming drugs and her mother's sexual abuse. Haysom then asked Soering to provide her an alibi, or she would be "fried" in the electric chair.

According to his tes<mony, Soering told Haysom that her plan would not work. The police never accept alibis provided by spouses or lovers. Instead, he promised to "take the rap" for his girlfriend, accep<ng the blame for her crime in order to save her from the death penalty.

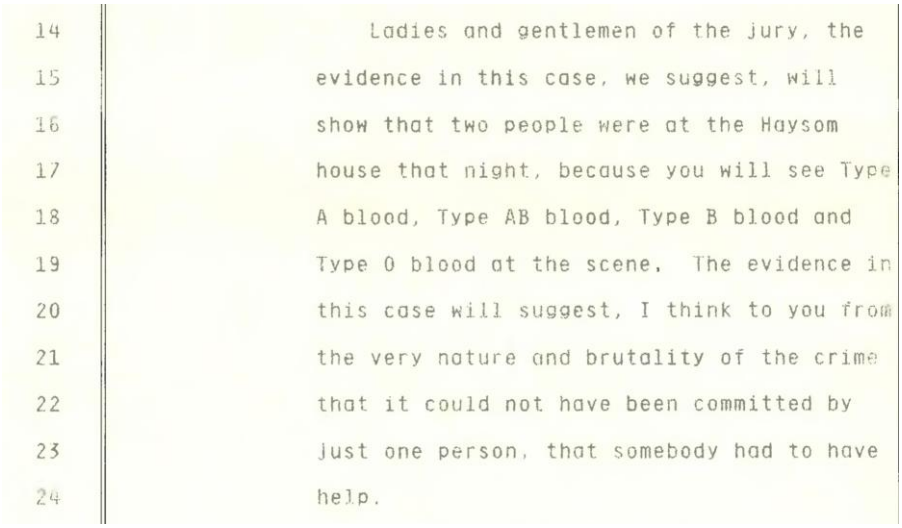
Soering thought he could protect Haysom without being executed himself because his father was a German diplomat. Full diploma<c immunity no longer existed, Soering said, but he thought he would at least be covered by a *limited* form of immunity. He believed this would result in him being put on trial in Germany, where he would face a sentence of five to ten years as a juvenile. He thought that five years in a German juvenile prison was a price worth paying to save the woman he loved from being "fried" to death.

According to his tes<mony, Soering and Haysom spent the rest of the night rehearsing his false confession. That explained why he knew so much about the crime scene. He had learned these details from the actual killer.

But contrary to Soering's and Haysom's expecta<ons, she was not immediately arrested. 14 months passed between the night Soering rehearsed his confession (March 31, 1985) and the asernoon he kept his promise and "took the rap" for Haysom (June 8, 1986). That passage of <me explained why so many details of his false confession were inaccurate.

It was only during the extradi<on proceedings that Soering learned that Haysom must have had an accomplice at the crime scene: the person who les the type O blood. He knew that *he* was not the person who les that type O blood — but *someone* did. Consequently, it was the defense's theory of the case at trial that Haysom had an accomplice whose iden<ty was not known.

From the trial transcript of June 4, 1990, page 211:

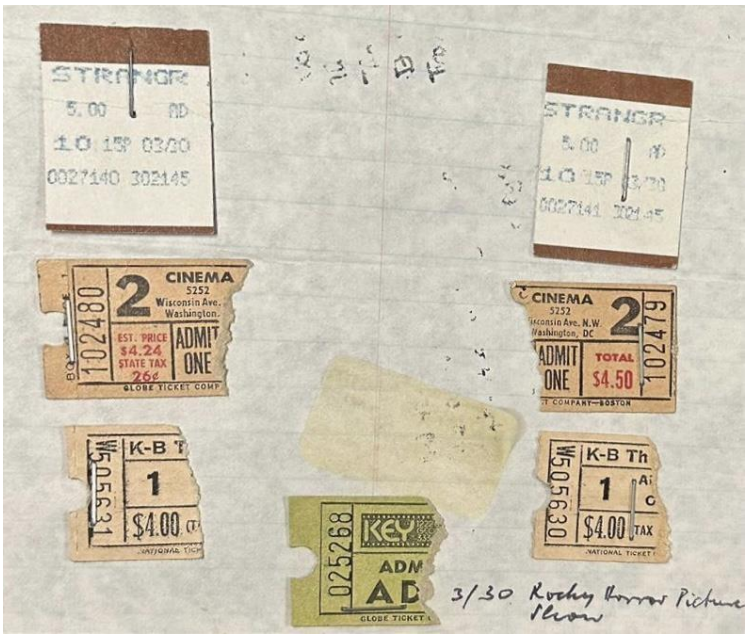


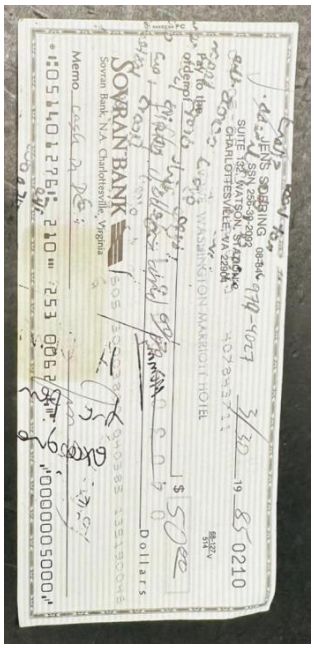
Ladies and gentlemen of the jury, the evidence in this case, we suggest, will show that two people were at the Haysom house that night, because you will see Type A blood, Type AB blood, Type B blood and Type O blood at the scene. The evidence in this case will suggest, I think to you from the very nature and brutality of the crime that it could not have been committed by just one person, that somebody had to have help.

June 18 and 19, 1990 — A, cont'd.

But, according to Soering's trial tes<mony, *he* was *not* the person with type O blood at the crime scene. He was in Washington, D.C., at the <me of the murders, aQending various movies, cashing a check and ordering room service at the MarrioQ Hotel.

From the trial exhibits:





The movie <ckets were found in *his* college dorm room, not Haysom's.

From the trial transcript of June 19, 1990, page 79:

Q And I'm showing you Defendant's Exhibit 20 right now. And did you find those in Jens's dorm room at the University of Virginia?

A That's correct.

For more informa<on about the movie <ckets, please see the Introduc<on to this report.

June 18 and 19, 1990 — B

Regarding the leQers that were read to the jury on June 5:

- The leQers prove that Haysom hated her parents and that Soering sympathized with her in this hatred. But that fact fits equally well with both theories of the case:

    - Haysom ins<gated the murders and Soering carried them out, or

    - Haysom murdered her parents and Soering covered up her crime.

  The leQers are disturbing, but they provide no clue at all which one of these two theories is the correct one. Thus, the leQers are actually useless as evidence, at least regarding what Soering's role in the crime was.

- The leQers were wriQen four months *before* the murders. Logically, they *cannot* contain any clear, defini<ve statements about which one of the two suspects actually killed Derek and Nancy Haysom.

- The leQers contain passages about "voodoo" and "crushing." But these passages are not in any way concrete plans for commiwng murder.

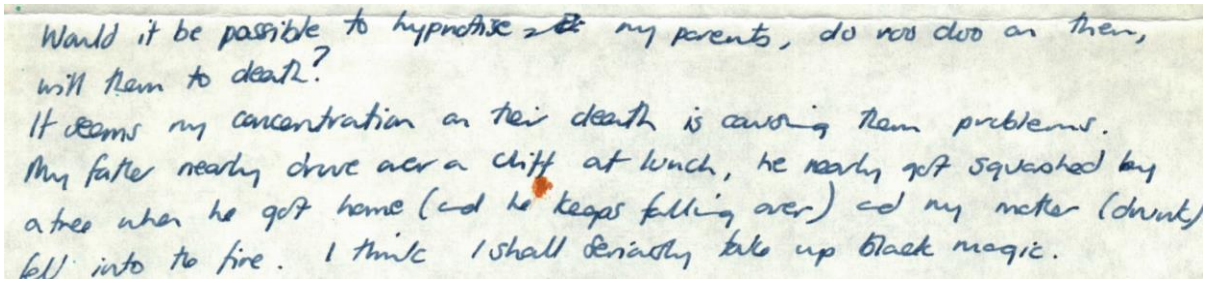
- The leQers do not contain a clear mo<ve. Haysom writes at great length about feeling unfree and over-controlled. But neither she nor Soering write anything about her parents being opposed to their rela<onship. Yet this was supposed to be their mo<ve for murder.

  If Derek and Nancy Haysom's opposi<on to Haysom's rela<onship with Soering was important enough to kill for, why is this opposi<on never men<oned in the leQers?

June 18 and 19, 1990 — C

Soering gives the following explana<ons of the passages from the leQers read on June 5:

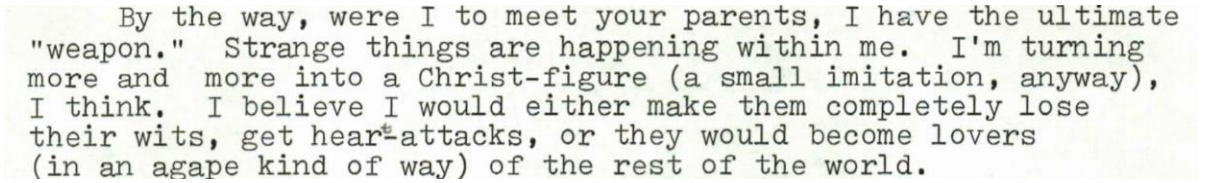
From Haysom's leeers



Would it be possible to hypnotise my parents, do voo doo on them, will them to death?
It seems my concentration on their death is causing them problems. My father nearly drove over a cliff at lunch, he nearly got squashed by a tree when he got home (and he keeps falling over) and my mother (drunk) fell into the fire. I think I shall seriously take up black magic.

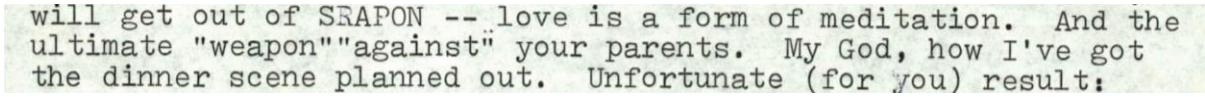
There was no evidence of "voodoo" or "black magic" presented by the prosecu<on. There were rumors about this in the media, but there is no connec<on to the actual crime.

From Soering's leeers



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.

This passage is taken out of context. A few lines later, Soering explains that the "ul<mate weapon" is in fact "love."



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) result:

There is also no connec<on between the "dinner scene" in this passage and the crime scene. Clearly, *something* happened in the dining room — but it was not a violent struggle since the candles, wine glass and gree<ng cards were all s<ll standing.

According to Soering, the "dinner scene" in that passage merely referred to the first <me he would meet Derek and Nancy Haysom. In reality, they met for lunch two months later, in February.

June 18 and 19, 1990 — C, cont'd.

From Soering's leeers

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, possibl the ultimate act of crushing, with the possible exception of sex, which,

This passage is taken out of context, too. The leQer containing that passage is dated January 10, 1985 — seven days aser the last men<on of Derek and Nancy Haysom, which occurred in his leQer of January 3, 1985. The very first sentence of the leQer explains that it is actually about two ar<cles about World War II in the magazine Der Spiegel.

I just got through reading 2 excellent articles on WWII and its ending, and their anticipated celebration on the 8th of May in the German magazine Der Spiegel (the articles, not the celebrations).

The author of one of the ar<cles writes that every man is a poten<al war criminal. Soering finds this "overwhelmingly horrible."

least. The conclusion one of the articles draws (and mine for some time now): Every man is a potential "war criminal."
Elizabeth, I find this thought so overwhelmingly horrible, it's hard to describe -- and I haven't even lived through stuff like that.

These ar<cles were published on January 3, 1985, and can be found online:

Das waren nun wieder ganz andere Worte, als sie in »Stars and stripes«, der amerikanischen Soldatenzeitschrift, standen: »In jedem deutschen Soldaten steckt ein Hitler.« Sagen wir lieber: In jedem Menschen steckt ein potentieller Kriegsverbrecher.

The actual subject of the leQer is World War II, not the murder of Derek and Nancy Haysom. It is in this context that Soering writes about "crushing." That terminology is one that he borrowed from George Orwell's masterpiece *1984*.

I've felt this, I'm feeling it now inside me, this need to plant one's foot in somebody's face, to always crush (thank you, Orwell, for that metaphor you borrowed). And the only explanation I have for it

June 21, 1990 — A

Jury delibera<ons begin without jurors having seen or heard important pieces of evidence.

Evidence the jury never saw or heard #1

The psychological profile performed by FBI Special Agent Edward Sulzbach — see April 5, 1985

Psychological profiles are not usually admissible as evidence in a criminal trial. However, the U.S. Supreme Court precedent *Brady v. Maryland* requires the prosecu<on to turn over exculpatory evidence *and informaNon* to the defense. FBI Special Agent Sulzbach's profile was definitely exculpatory *informaNon* and thus should have been provided to Soering's lawyer, but this was not done. Soering's post-convic<on lawyers only learned of the existence of the profile 21 years aser the trial.

Evidence the jury never saw or heard #2

The original analysis of sock print LR3 — see June 7, 1985

Five years before Robert HalleQ tes<fied about sock print LR3 at Soering's trial, another forensic examiner, Rick Johnson, submiQed a Cer<ficate of Analysis sta<ng that the sock print corresponded to a size 5 to 6 man's shoe. Soering wore a size 8 ½ shoe and thus was clearly excluded. Rick Johnson did not tes<fy at Soering's trial, so the jury never learned about his analysis.

Evidence the jury never saw or heard #3

The comparison of sock print LR3 to Julian Haysom — see August 29, 1985

Since Rick Johnson did not tes<fy at Soering's trial, see above, the jury also never learns about his comparison of sock print LR3 to Julian Haysom's foot. Julian Haysom could not be eliminated as a suspect based on the sock print comparison.

Evidence the jury never saw or heard #4

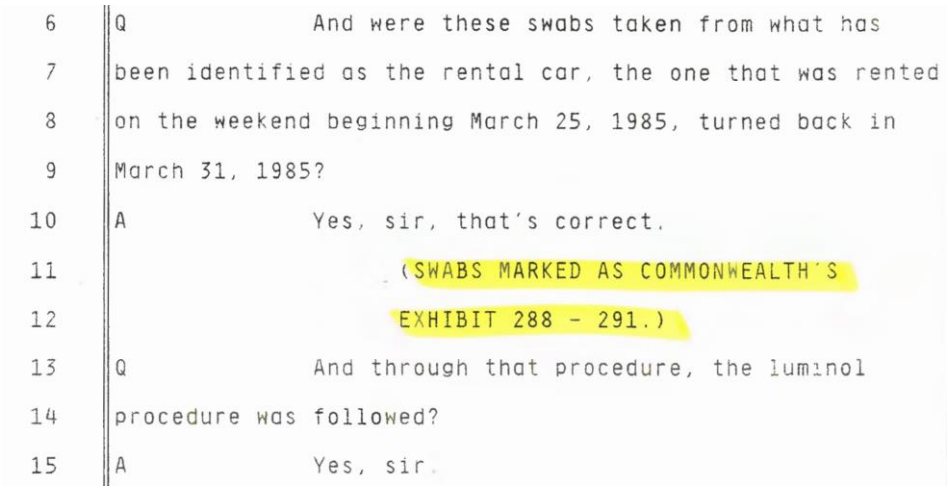
The luminol test of the rental car — see June 25, 1985

The jury heard the tes<mony of Sylvia Moore, the employee of the car rental agency who said that the rental car was "spotless" when it was returned — without blood or Coca-Cola stains. But the jury did *not* learn that a forensic test had confirmed Moore's observa<on: the luminol test performed by me on June 25, 1985. Juries consider forensic tests to be more objec<ve, reliable and believable than witness tes<mony.

The luminol test was men<oned very briefly during Soering's trial.

From the trial transcript of June 12, 1990, page 22:

June 21, 1990 — A, cont'd.



Q And were these swabs taken from what has been identified as the rental car, the one that was rented on the weekend beginning March 25, 1985, turned back in March 31, 1985?

A Yes, sir, that's correct.

(SWABS MARKED AS COMMONWEALTH'S EXHIBIT 288 - 291.)

Q And through that procedure, the luminol procedure was followed?

A Yes, sir.

What is interes<ng about this passage in the trial transcript is that the luminol test was men<oned — but the *results* of the luminol test were never given to the jury. Also, the person who performed the test, myself, was never called to tes<fy. Finally, the state forensic lab's Cer<ficate of Analysis with the results of the luminol test was never provided to Soering's aQorney, Richard Neaton.

This should have caught Neaton's aQen<on immediately. He should have no<ced that this witness, Geoff Brown, was tes<fying about a luminol test for which he (Neaton) had not been given a Cer<ficate of Analysis.

A beQer lawyer would have raised an objec<on immediately and asked for the results of the lab report for the luminol test. But as noted earlier — see June 1, 1990 — B — Soering's aQorney was not very good.

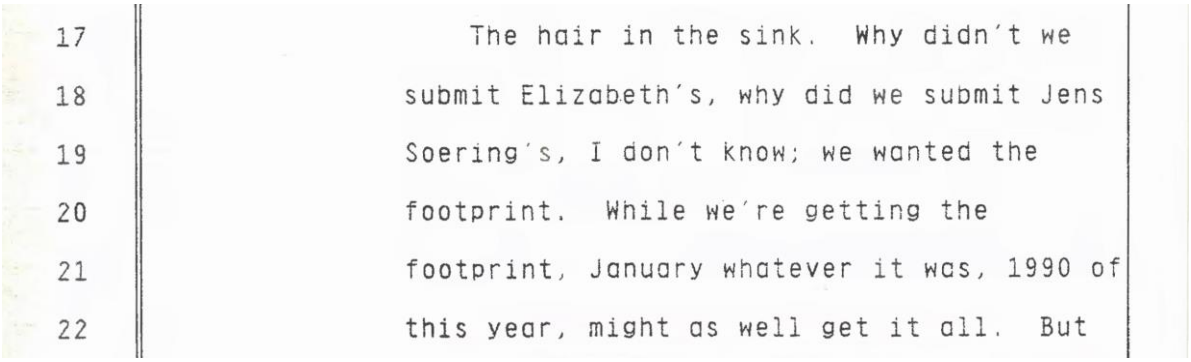
Soering's post-convic<on lawyers only learned of the luminol test 23 years aser the trial through a radio interview with Ricky Gardner — see October 30, 2013.

June 21, 1990 — B

Evidence that supposedly never existed

Haysom's blood, fingerprints and footprints are all compared to forensic samples from the crime scene. However, her hair is *supposedly* never compared to item 11B, the hair in the bloodstained bathroom sink — see August 12, 1995 — C. The prosecu<on is not able to explain why this forensic test was not performed; the following is the only "explana<on" ever provided.

From the trial transcript of June 21, 1990, page 180:



17 The hair in the sink. Why didn't we
18 submit Elizabeth's, why did we submit Jens
19 Soering's, I don't know; we wanted the
20 footprint. While we're getting the
21 footprint, January whatever it was, 1990 of
22 this year, might as well get it all. But

June 21, 1990 — C

Facts the jury could not know #1

Three forensic examiners responsible for wrongful convic<ons

Four forensic examiners tes<fied at Soering's trial: Robin Young, Robert HalleQ, Mary Jane Burton and Elmer Gist, Jr.

The first, Robin Young, tes<fied that Soering was excluded as the source of the uniden<fied fingerprints at the crime scene. He was not responsible for a wrongful convic<on in another case.

The other three all gave tes<mony that, to some degree, incriminated Soering. All three of these forensic examiners were later held responsible for wrongful convic<ons in other cases:

- Robert HalleQ was held responsible for the wrongful convic<on of Charles Fain.

  hQps://www.virginialawreview.org/wp-content/uploads/2020/12/1-2.pdf

  (see pages 71–72)

  hQps://www.law.umich.edu/special/exonera<on/Pages/casedetail.aspx?caseid=3209

- Mary Jane Burton was held responsible for the wrongful convic<on of Willie Davidson.

  hQps://www.law.umich.edu/special/exonera<on/Pages/casedetail.aspx?caseid=3153

- Elmer Gist, Jr. was held responsible for the wrongful convic<on of Ed Honaker.

  hQps://www.law.umich.edu/special/exonera<on/Pages/casedetail.aspx?caseid=3304

Facts the jury could not know #2

Apparent deal between Haysom and prosecutor

Just eight years aser receiving a 90-year prison sentence, and only five years aser tes<fying against Soering, Haysom was granted her first parole hearing. In a highly unusual move, the prosecutor responsible for both her and Soering's trial, James W. Updike, gave favorable tes<mony at her hearing.

Haysom was "a great assistance" to him and "even outlined the whole case for him," the prosecutor said, describing her as "fascina<ng" and "very charming."

From "Parole Board denies Haysom early release," by Carlos Santos, Richmond Times-Dispatch, May 24, 1995:

The crime was one of the most sordid and most widely publicized in Virginia. Bedford County Commonwealth's Attorney Jim Updike, who prosecuted Haysom, said he received calls from around the world about the case. "But not a lot is said about it around here anymore."

Updike said he didn't want to comment on whether she should receive early parole. "On one hand, she freely admitted that her parents wouldn't be dead if not for her. She wanted them dead. On the other hand, she was a great assistance to me."

Updike said Haysom helped him gather evidence against Soering and even outlined the whole case for him. "That's another side of Elizabeth Haysom that, in fairness, needs to be known," Updike said.

Soering was convicted of killing her parents in their Bedford County home in March 1985 while Elizabeth Haysom waited in a Washington hotel room. Derek and Nancy Haysom were stabbed and slashed to death. The motive for the crime has always been murky, though Elizabeth Haysom said Soering was furious that her parents wanted to stop him from seeing her.

Soering, sentenced to two life terms for the slayings, is in Keen Mountain Correctional Center in Southwest Virginia. Haysom was convicted of being an accessory before the fact to the slayings. "She's a fascinating person to talk to," Updike said of Haysom. "Very charming. Knowing her intellectual ability you have to wonder what happened. Why her parents are dead. That's something I could never understand."

June 21, 1990 — D

Side-by-side comparison of the evidence

Jens Soering

Confession
Yes — long and detailed, later repeated (confession to German prosecutor)

Some details are correct, other details are incorrect.

Alibi
Tickets are found in his dorm room.

Injuries
Reported by one witness.

Cigareee bues
Non-smoker.

Serology
His blood group O is found.
45% of the popula<on have O.

Shoe print – Item LR2
Excluded — too small.

Hair in bloodstained sink — Item 11B
Excluded.

IncriminaXng leeers
Yes, but his actual role in the killings is never clearly stated.

Sock print — Item LR3
His sample ink footprint looks similar but is too long.

Fingerprints
Not found at scene.

Elizabeth Haysom

Confession
Yes — brief and immediately withdrawn, never repeated.

Her statement "I got off on it", appears to match the excessive brutality of the murders.

Alibi
Tells five different stories, none accurate.

Injuries
None reported.

Cigareee bues
Three of her brand found next to doors.

Serology
Her blood group B is found.
10% of the popula<on have B.

Shoe print – Item LR2
Included — her size.

Hair in bloodstained sink — Item 11B
Supposedly never compared.

IncriminaXng leeers
Yes, but her actual role in the killings is never clearly stated.

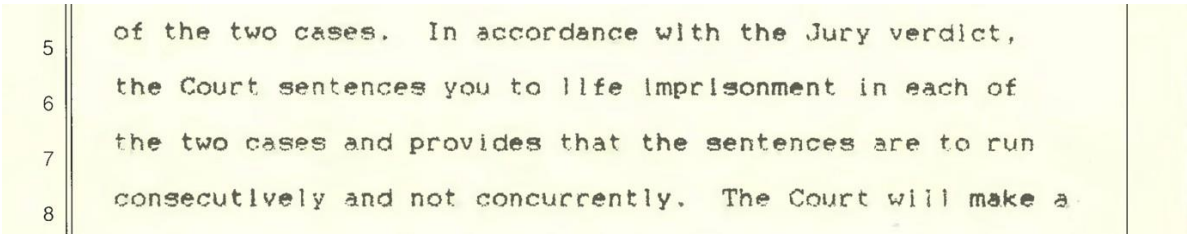
Sock print — Item LR3
The sample ink footprint of hers shown to the jury looks different.

Fingerprints
Found on vodka boQle near her father's inebriated body.

June 21, 1990 — E

Soering is convicted of two counts of first-degree murder and sentenced to two terms of imprisonment. Judge Sweeney rules that the two life sentences should be served one aser the other.

From the trial transcript of September 4, 1990, page 27:



of the two cases. In accordance with the Jury verdict, the Court sentences you to life imprisonment in each of the two cases and provides that the sentences are to run consecutively and not concurrently. The Court will make a

June 21, 1990 — E

Aser the trial, juror Jake Bibb says that the jury was ini<ally split six to six and that sock print LR3 was the decisive piece of evidence that persuaded the jurors of Soering's guilt.

From the University Journal:

The University Journal

VOL. XII, NO. 91 THE UNIVERSITY OF VIRGINIA, CHARLOTTESVILLE

Soering guilty in Haysom murder trial

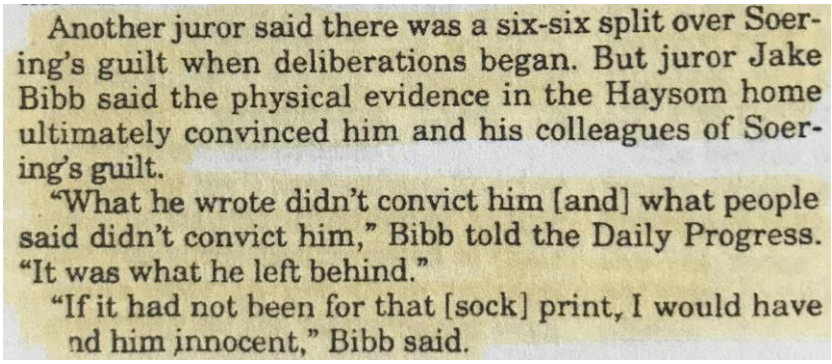
Former U.Va. scholar convicted; jury recommends two life terms

From staff and wire reports

After less than four hours of deliberation, a Bedford County jury on June 21 convicted former U.Va. Jefferson and Echols Scholar Jens Soering of the first-degree murders of his former girlfriend's parents.

The jury recommended that Soering be sentenced to two life terms in prison for the March 30, 1985 stabbings of Derek and Nancy Haysom.

Soering, the son of a West German diplomat, will be tenced on Aug. 29 by Bedford County Circuit Court ..dge William Sweeney. He would be eligible for parole in 20 years if the jury's recommendation is followed.



Another juror said there was a six-six split over Soering's guilt when deliberations began. But juror Jake Bibb said the physical evidence in the Haysom home ultimately convinced him and his colleagues of Soering's guilt.

"What he wrote didn't convict him [and] what people said didn't convict him," Bibb told the Daily Progress. "It was what he left behind."

"If it had not been for that [sock] print, I would have nd him innocent," Bibb said.

N.B.: In this report, I have tried to s<ck with the facts. But I find Bibb's statement so fascina<ng that I cannot help but comment on it. He did not consider the confession to be the most important piece of evidence, as I would have thought. Instead, it was the forensic evidence — "what he les behind" — that persuaded him of Soering's guilt. But what exactly *did* Soering leave behind?

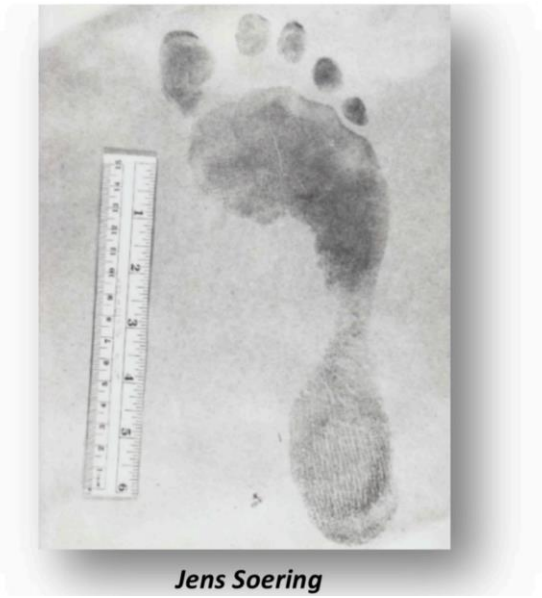
September 1990

Aser Jake Bibb's remarks in a newspaper interview, Soering's lawyer, Richard A. Neaton, finally examines *all* of the footprints and sock prints in Robert HalleQ's file. There, Neaton discovers a sample ink footprint of Haysom's that resembles sock print LR3 at least as closely as Soering's sample ink footprint.

HalleQ chose another sample ink footprint of Haysom's — one that looked different from LR3. This created the impression for the jury that Haysom could *not* have les the sock print. The truth was the exact opposite: either Soering or Haysom could equally well have les LR3.

This is what HalleQ showed the jury:

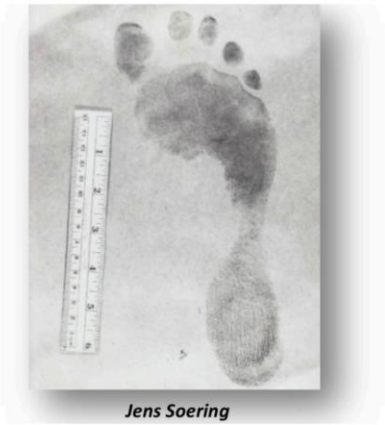
LR3



Jens Soering

This is the truth:

LR3



Jens Soering

Elizabeth Haysom

September 1990, cont'd.

Based on the newly discovered footprint of Haysom's, Richard Neaton files a mo<on for a new trial.

Judge William Sweeney denies the mo<on because Neaton used the wrong terminology. In Virginia, these kinds of mo<ons are called mo<ons to set aside the verdict.

By the <me Neaton resubmits the mo<on using the correct terminology, more than 21 days have passed since Soering's sentencing. Now Virginia's 21-day rule takes effect. The trial court has lost jurisdic<on of the case. Even if he wanted to, Judge Sweeney can no longer consider the new evidence.

1990 to 2019 — A

Virginia's 21-day rule prevents new evidence from *ever* being considered if the new evidence is found more than 21 days aser sentencing. No other state has such a rule.

This means that *none* of the new evidence that Soering's legal team found in the following 29 years was ever, at any point, considered by any judge.

Virginia's 21-day rule has been cri<cized again and again over the decades.

From the Washington Post:

Opinions Editorials Columns Guest opinions Cartoons Submit a guest opinion Today's Opinions newsletter

The Post's View • Opinion

Virginia's '21-day rule' needs to go

Opinion by the **Editorial Board**
November 19, 2012

AN INNOCENT MAN sits in a Virginia prison because of an archaic and draconian state law and balky officials in Richmond who will not move off the dime to free him.

We wrote last week about the case of Johnathan Montgomery, who was convicted in 2008 of sexual assault on the strength of testimony from a

With paywall:

hQps://www.washingtonpost.com/opinions/virginias-21-day-rule-needs-to-go/2012/11/19/443bÇ62-3298-11e2-bfd5-e202b6d7b501_story.html

But the Virginia General Assembly will not reform the 21-day rule because "finality of judgment" is considered especially important in Virginia.

1990 to 2019 — B

Higher courts are also barred from considering new evidence of innocence.

State appellate courts

State appellate courts only consider procedural errors, never new evidence (except in misdemeanor cases).

https://www.questlawoffice.com/appealing-a-criminal-conviction-in-virginia/

https://www.greenspunlaw.com/library/criminal-appeals-in-virginia.cfm

Federal constitutional courts

Federal habeas corpus courts have always been barred from considering new evidence of innocence, as confirmed by *Herrera v. Collins*, 506 U.S. 390 (1993):

"Thus, claims of actual innocence based on newly discovered evidence have never been held to state a ground for federal habeas relief."

https://supreme.justia.com/cases/federal/us/506/390/

In 2022, this general rule was extended for state prisoners to new evidence of cons<tu<onal viola<ons.

https://www.findlaw.com/legalblogs/supreme-court/scotus-state-prisoners-have-no-constitutional-right-to-present-new-evidence-in-federal-court/

Writs of actual innocence

This situa<on is so clearly unjust that the Virginia General Assembly created two excep<ons. Since 2001, prisoners can file so-called "writs of actual innocence" based on new DNA evidence, and since 2004, they can file "writs of actual innocence" based on non-DNA evidence. However:

- Only 13 prisoners have won DNA writs since 2001.

  http://vscc.virginia.gov/2020/Virginia%20Post-Conviction%20DNA.pdf
  (see page 23)

- Only four prisoners have won non-DNA writs since 2004.

  https://www.law.virginia.edu/news/202004/innocence-project-helps-wrongfully-convicted-virginians-have-better-shot-writ-innocence

There have been two aQempts to reform the writs, in 2012 and 2020. But, these reforms have not led to any change in prac<ce by the Virginia courts. It is almost impossible to win writs of actual innocence.

February 1, 1991

Richard Neaton obtains an expert affidavit from Prof. Claude Owen Lovejoy, a Kent State University anthropologist known for his exper<se in footprint analysis. Prof. Lovejoy finds that:

- Haysom could have les the LR3 sock print at the crime scene, and
- Soering could not have les another bloody sock print at the crime scene, LR5, that was not used at his trial.

From the Roanoke Times, February 1, 1991:

> *A Kent State University anthropologist has concluded that Soering could not have created one of several bloody sock prints found in Nancy and Derek Haysom's Boonsboro house after the killings, Neaton said. (...) That particular print - identified at the trial as "LR-5" - was considered too smudged and blurred for comparison by prosecution witnesses at the trial. (...)*
>
> *"Lovejoy's saying he cannot exclude her (Haysom) from having made it (LR3)," Neaton said. "That's unlike the impression (prosecution expert Bob) Hallett gave the jury: that Haysom could not have made it."*
>
> *Asked why he had not presented such evidence during Soering's trial eight months ago, Neaton said he did not have access to the information. The prosecution only supplied Neaton with one sample of (Haysom) Haysom's footprints, Neaton said.*
>
> *"As we progressed along, we were unable to recognize the significance of Haysom's other prints until after the verdict was in," Neaton said.*
>
> *In retrospect, he said, he should have gotten an extension on the trial. "Hindsight is always 20-20," Neaton said. "Had I known then what I do now…."*
>
> *"We could not have discovered this evidence with the exercise of reasonable diligence at that time," he said.*
>
> *Last September, Neaton filed a similar motion for a new trial based on new evidence, but Circuit Court Jude William Sweeney refused to set a hearing on the matter and turned down the request.*

Without paywall:

hQps://scholar.lib.vt.edu/VA-news/ROA-Times/issues/1991/rt9102/910201/02010788.htm

Judge William Sweeney denies Neaton's mo<on since it comes long aser the 21-day rule's deadline — see 1990 to 2019 – A and B.

April 14, 1995

Aser Richard Neaton loses his law license — see June 1, 1990 — former Deputy AQorney General Gail Starling Marshall takes Soering's case.

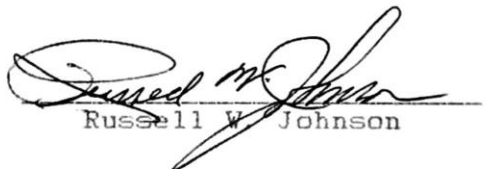
She obtains an expert affidavit from Russell W. Johnson, a fully qualified impressions analyst from the New Jersey State Police. He finds that:

- sock print LR3 "should never have been used" as evidence because it is too smeared.
- Robert HalleQ should not have compared sample *bare* footprints with the *sock-covered* print at the crime scene.

  N.B.: This point is consistently overlooked in discussions of the sock print. HalleQ compared two unequal items, *sock* and *foot*prints. The presence of a sock distorts the natural posi<on of the toes. HalleQ should have compared apples with apples, not apples with oranges.
- HalleQ's overlay and tes<mony about sock print LR3 were "very misleading."
- "The Soering print is long(er) than the crime scene print."
- "The crime scene print matches in size only with Ms. Haysom's print."

From Russell Johnson's affidavit:

9. **A comparison of LR-3 with known prints of Jens Soering provides no evidence whatsoever that Mr. Soering was at the scene of the 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 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 any one of thousands of normal five toed individuals with roughly the same (normal) length of foot.



Russell W. Johnson

June 26, 1990

Immediately aser the trial, juror Jake Bibb gave an interview in which he emphasized the importance of the sock print in jury delibera<ons — see June 21, 1990 — E. Now, five years later, he confirms the accuracy of his previous comments and expands upon them.

From Jake Bibb's affidavit:

4. The attached article from the University Journal, Vol. XII, No. 91, contains a quote from me concerning the jury deliberations. The newspaper report is true and accurate to the best of my knowledge and recollection. When our deliberations first began, there was a six - six split on the verdict. The single most important piece of evidence to me was the overlay of the footprint with the sockprint left at the crime scene and the red dots and arrows matching the two. Had it not been for the sockprint 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 in a unique way. It was this piece of evidence, presented through the Commonwealth's witness, Mr. Hallett, that convinced me that Jens Soering had been present at the scene of the crime. The jury spent time during deliberations passing around and examining the plastic overlay of Jens Soering's footprint and the photograph of the sockprint on the wooden floor left at the Haysom's house and discussing the testimony of the Commonwealth's witness, Mr. Hallett.

5. Further the affiant sayeth not.

Jake Bibb

(signed) Jake Bibb

November 27, 1995

In addi<on to the affidavit from Russell W. Johnson, Gail Starling Marshall obtains an expert affidavit from Frederick E. Webb, an FBI Special Agent at the FBI Crime Lab and fully qualified impressions analyst. He finds that:

- Sock print LR3 is so "indis<nct" that it could have been les "any other individual with a print of the same approximate length"; this includes, specifically, Haysom's half-brother Julian Haysom — see August 29, 1985;
- HalleQ's overlay is "quite misleading" and
- "(T)he overlay purports to show a precision that simply does not exist."

From Frederick Webb's affidavit:

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.

8. I have also reviewed the affidavit of Mr. Russell Johnson of April 14, 1995, and am in general agreement with the conclusions and opinions expressed therein.

Further the affiant sayeth not.

Frederick E Webb

Frederick E. Webb

Because of the 21-day rule, Gail Starling Marshall cannot present either of these affidavits to the courts as new evidence of innocence. Instead, she is forced to make the argument that these affidavits prove Richard Neaton's incompetence — see June 1, 1990. He should have found experts like Johnson and Webb and called them as witnesses at Soering's trial. According to Marshall, the fact that Neaton failed to do so was a viola<on of the U.S. Cons<tu<on under the *Strickland v. Washington* precedent.

All state and federal courts reject this argument. In their view, Neaton made no significant mistakes.

December 9, 1996

Gail Starling Marshall presents evidence about two alternate suspects, William ShiffleQ and Robert Albright, at a habeas corpus eviden<ary hearing.

A few days aser the Haysom murders, George Anderson, a Bedford County Sheriff's Deputy, stopped two vagrants, ShiffleQ and Albright, near the Haysom residence. They told him they had visited a girl in Lynchburg. At the end of his shis, Anderson found a buck knife in the back of his police car, which, in his opinion, ShiffleQ and Albright had les there. A few days later, they killed a man in Roanoke in a manner similar to the Haysom murders: mul<ple stab wounds and mu<la<on.

As with the expert affidavits from Russell Johnson and Frederick Webb, Gail Starling Marshall cannot present these alternate suspects to the courts as new evidence of innocence. She is forced to make the argument that the prosecu<on's failure to inform the defense about ShiffleQ and Albright was a viola<on of the U.S. Cons<tu<on under the *Brady v. Maryland* precedent.

The Virginia Supreme Court orders the hearing to be held in front of Judge William Sweeney. Like Neaton, Marshall files a mo<on asking the judge to step aside, and again he refuses.

From the Roanoke Times, September 18, 1996:

hQps://scholar.lib.vt.edu/VA-news/ROA-Times/issues/1996/rt9609/960918/09180083.htm

Judge Sweeney rules that, indeed, the prosecu<on should have turned over evidence about these alternate suspects to the defense prior to trial. But in his opinion, this evidence would not have led to a different verdict (hung jury or acquiQal), so no cons<tu<onal viola<on occurred.

Sweeney's ruling is upheld by all subsequent courts.

From the Free Lance-Star, February 28, 1998:

Arguments made for new trial in slaying case

By ZINIE CHEN
Associated Press Writer

RICHMOND—A lawyer for a man who confessed to fatally slashing his girlfriend's parents told the state Supreme Court that her client should get a chance to show a jury evidence prosecutors failed to turn over for his trial.

Jens Soering's trial lawyers had a right to know about two other possible suspects and a possible murder weapon in the April 1985 slayings of Derek and Nancy Haysom in Bedford County, Soering's attorney, Gail S. Marshall, said Thursday.

Marshall told the panel that jurors might have acquitted Soering if they had known that a Bedford County sheriff's deputy stopped two drifters a few days after the murders. The drifters, who allegedly left a knife hidden in the deputy's patrol car, were arrested a short time later and convicted of fatally stabbing a homeless man in Roanoke.

She said Soering should be granted a new trial to present that evidence along with the other evidence from his 1990 trial "to level the playing field." A decision is not expected until this spring.

Soering was convicted of murder and sentenced to two life prison terms.

His then-girlfriend, Elizabeth Haysom, was convicted of two counts of being an accessory to her parents' murder and is serving a 90-year term.

Soering, the son of a German diplomat, initially confessed to the slayings but later said he lied to protect Elizabeth Haysom. He said he believed that his father's diplomatic immunity would shield him from prosecution.

Later, Soering testified that Elizabeth Haysom, a fellow University of Virginia honors student, killed her parents without his prior knowledge.

Marshall said there was motive for Elizabeth Haysom to hire someone to help kill her parents, with whom she had a contentious relationship. She also said there was no physical evidence linking Soering to the crime scene.

Assistant Attorney General John McLees countered that there was no proof that the drifters, William Shifflett and Robert Albright, were involved in the murders.

McLees said tests showed the knife found in the patrol car was not connected with the Haysom slayings.

If Elizabeth Haysom had enlisted Shifflett's and Albright's help in the slayings, "why didn't she leave evidence of them being involved?" McLees said.

"In order to entertain reasonable doubt, the jury would have had to ignore overwhelming evidence against Jens Soering," he said.

March 2009

The Virginia Law Review publishes “Invalid Forensic Science Tes<mony and Wrongful Convic<ons” by Prof. Brandon L. GarreQ and Peter J. Neufeld. This becomes the landmark study on “junk science,” the misuse of pseudo-scien<fic forensics in criminal trials.

From the Virginia Law Review:

hQps://www.virginialawreview.org/wp-content/uploads/2020/12/1-2.pdf

According to GarreQ and Neufeld, most forensic “sciences” are actually unscien<fic because they lack any sta<s<cal basis. A forensic analyst can compare a bite mark from a crime scene with a bite mark from a suspect, and there may be some similari<es. But, the forensic analyst has no sta<s<cally validated database showing how osen such similari<es occur randomly, by chance. Only DNA analysis and fingerprint comparisons are truly scien<fic because they are sta<s<cally validated.

On pages 71 and 72 of the report, GarreQ and Neufeld discuss the wrongful convic<on of Charles Fain, who spent 17 years on death row before being exonerated.

From the Na<onal Registry of Exonera<ons:

hQps://www.law.umich.edu/special/exonera<on/Pages/casedetail.aspx?caseid=3209

Fain was wrongfully convicted on the basis of false tes<mony by Robert HalleQ — see June 4, 1990, and June 13, 1990 — B.

GarreQ provided Soering’s lawyers excerpts from the trial transcript of Charles Fain, showing that HalleQ used the same methods in that case as in Soering’s: an overlay with red arrows and tes<mony about a “double hit” to explain away an obvious difference in length:

10 That became important when placing the trans-
11 parency over one of those impressions. I had to make a
12 choice. I had to choose one of the impressions, examine

19 question impression. The edge of the heel is seen.
20 When the transparency is placed, the other red arrow
21 showing that part of the heel superimposes exactly over

17 of a double impression; that is, the person who made it
18 moved their foot slightly so there are two impressions
19 here.
20 Where the arrow in the question impression is

September 24, 2009

In the early 2000s, it was discovered that forensic examiner Mary Jane Burton — see August 12, 1985; June 12 and 13, 1990; and June 21, 1990 – C — had placed certain items of forensic evidence in her case files without informing her superiors. DNA tests of biological material in three of these files led to the exonera<ons of Marvin L. Anderson, Julius E. Ruffin and Arthur L. Whiyield.

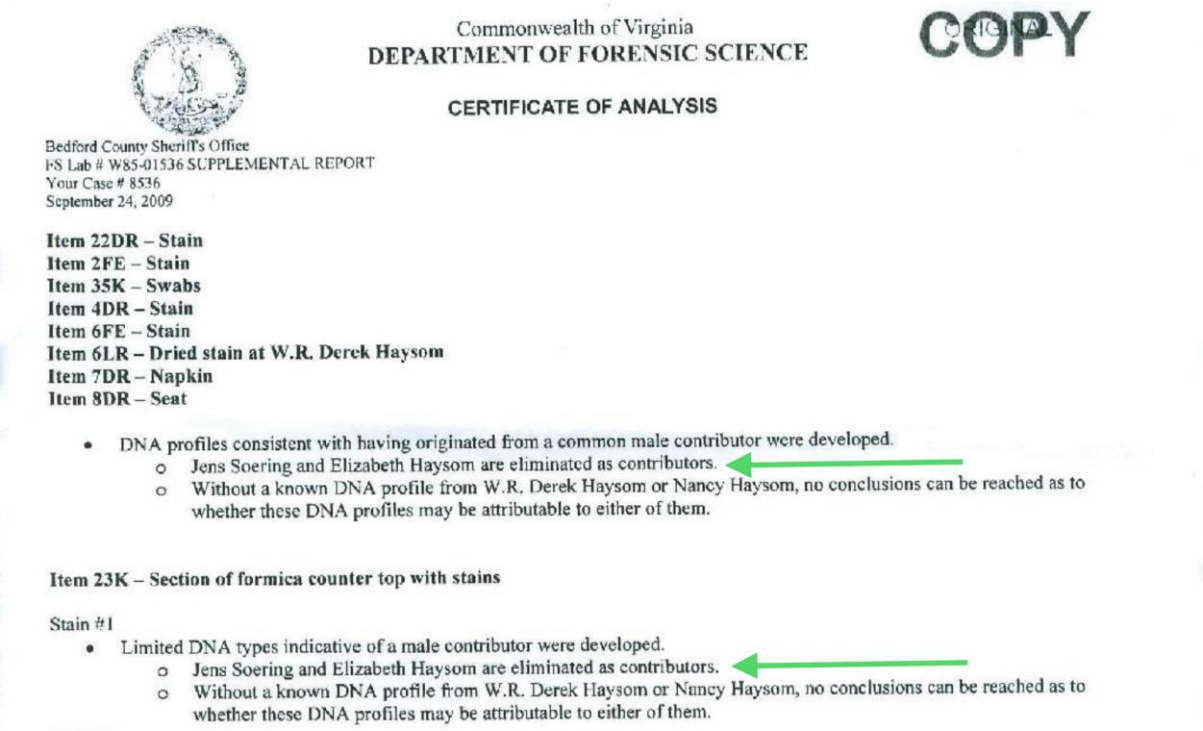
In 2005, Governor Mark R. Warner ordered all files from 1973 to 1988 to be searched for items that could be subjected to DNA tes<ng. Of the 534,000 files examined, 860 contained biological material that could be tested. This tes<ng was performed without prisoners having to file a request.

From the Virginia State Crime Commission's final report:

hQp://vscc.virginia.gov/2020/Virginia%20Post-Convic<on%20DNA.pdf

On September 24, 2009, the Department of Forensic Science issues a Cer<ficate of Analysis for the Haysom/Soering case:

- Forty-two biological items were DNA-tested.
- Thirty-one items yielded no results because the biological items were not properly stored and thus had deteriorated.
- Eleven items could be successfully tested. Both Soering and Haysom are excluded as a source of all eleven items. There is no DNA evidence linking either one of them to the crime scene.



Commonwealth of Virginia
DEPARTMENT OF FORENSIC SCIENCE

COPY

CERTIFICATE OF ANALYSIS

Bedford County Sheriff's Office
FS Lab # W85-01536 SUPPLEMENTAL REPORT
Your Case # 8536
September 24, 2009

Item 22DR – Stain
Item 2FE – Stain
Item 35K – Swabs
Item 4DR – Stain
Item 6FE – Stain
Item 6LR – Dried stain at W.R. Derek Haysom
Item 7DR – Napkin
Item 8DR – Seat

- DNA profiles consistent with having originated from a common male contributor were developed.
  - Jens Soering and Elizabeth Haysom are eliminated as contributors.
  - 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.

Item 23K – Section of formica counter top with stains

Stain #1
- Limited DNA types indicative of a male contributor were developed.
  - Jens Soering and Elizabeth Haysom are eliminated as contributors.
  - 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.

September 24, 1990, cont'd.

Theore<cally, Soering could file a "writ of actual innocence" on the basis of these DNA test results — see 1990 to 2019 — B. But, the DNA test results do not prove his "actual innocence" as defined under Code of Virginia §19.2-327.1.

On the one hand, Soering's DNA was not found in the eleven biological samples that were successfully tested. But he could have s<ll been at the crime scene and les no blood.

March 13, 2011

A new member of Soering's legal team, aQorney Gail A. Ball, obtains an affidavit from Tony Buchanan, a mechanic in Bedford County. He claims that, about two months aser the Haysom murders, a Chevrolet Nova was brought into his transmission repair shop. It looked like it had been les in the woods for a while. In the footwell of the car, Buchanan found a hun<ng knife with a large quan<ty of blood on the knife and on the floormat. He assumed the knife and blood had to do with deer hun<ng.

Later that day, a young couple came to his repair shop: Haysom and a man who was definitely *not* Soering. The young couple remained at the shop for 30 minutes because Haysom had to call someone in Florida to get help with her credit card. During this <me, Buchanan was able to observe both her and the man closely.

Years later, when he saw a photograph of Soering in a newspaper, Buchanan realized that Soering was not the man who was with Haysom on that day. He then read in a newspaper ar<cle that Haysom's uncle, Risque Benedict, lived in Florida — see February 7, 1990.

Buchanan tried to report this incident to Ricky at the Sheriff's Department, but Ricky dismissed Buchanan's story. He also reported it to Judge William Sweeney at a mee<ng of the Airborne Associa<on, where Sweeney was a speaker one night. According to Buchanan, Sweeney said, "He (i.e., Soering) might not have been the one who killed him, but he might have been there because of the footprint." (Buchanan affidavit, page 13). In subsequent newspaper ar<cles, both Ricky and Sweeney denied Buchanan's allega<ons.

From WSET, March 25, 2011:

hQps://wset.com/archive/new-witness-in-soering-case

From Buchanan affidavit, page 27:

Q. Haysom?
A. Haysom.
Q. Um-hum.
A. And I told the people in the shop: That's the girl that was in here on that car we was questioning about the blood and the knife in it. And so then it really brought my interest up. So I was thinking about it after that.

Theore<cally, Soering could file a "writ of actual innocence" on the basis of the Buchanan affidavit — see 1990 to 2019 — B. But again, the Buchanan affidavit does not prove Soering's "actual innocence" as defined under Code of Virginia §19.2-327.1. Soering could s<ll have commiQed the crime — maybe together with the young man who came to Buchanan's repair shop with Haysom.

June 16, 2011

“On the case with Paula Zahn” airs an episode called “A Murder at Loose Chippings.” This contains an interview with me — see April 4, 1985 — A. In this interview, I men<on the existence of an FBI psychological profile — see April 5, 1985. This is the first <me that Soering’s legal team hears of this document.

From IMDB:

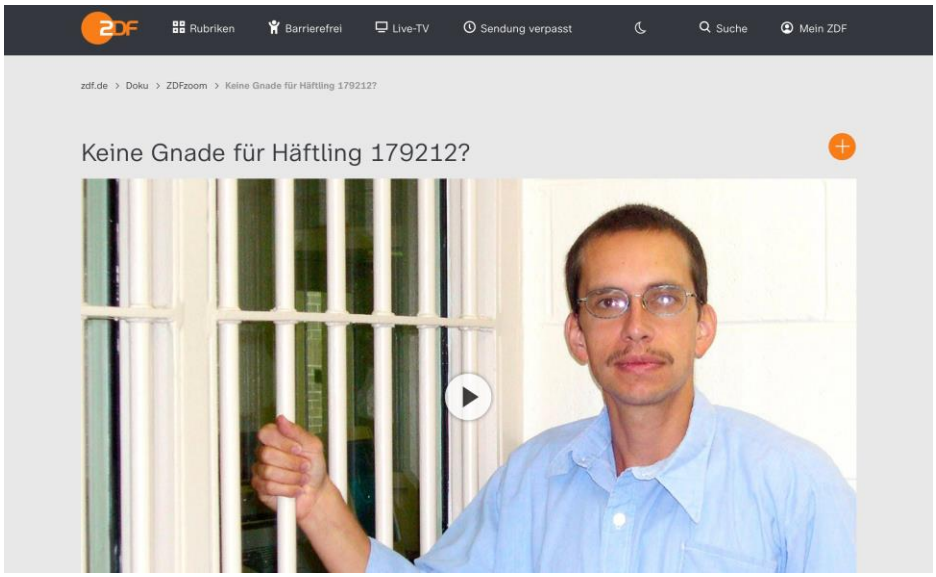
The *Brady v. Maryland* precedent requires the prosecu<on to turn over to the defense not just exculpatory evidence but also exculpatory *informaNon* like the FBI psychological profile — see June 21, 1990 — A. The prosecu<on’s failure to do so violated Soering’s cons<tu<onal rights.

But Soering’s legal team cannot file a habeas corpus pe<<on because, under a federal law called AEDPA, prisoners are limited to only one habeas corpus pe<<on. If new evidence of a cons<tu<onal viola<on is discovered later, the prisoner is just out of luck — much like the 21-day rule.

Soering’s habeas corpus pe<<on ended in 2001. The discovery of the FBI profile came ten years too late.

July 6, 2011

German public television airs a documentary about the Soering case in its "ZDF Zoom" series. In the episode en<tled "No mercy for prisoner 179212?" Ricky admits that sock print LR3 does not really prove Soering's guilt, aser all — it is merely "a piece of the puzzle," nothing more.



hQps://www.zdf.de/dokumenta<on/zdfzoom/keine-gnade-fuer-haesling-179212-102.html

Gail Starling Marshall:	*Any reputable forensic analyst will tell you that (Robert Hallett's overlay) is hogwash. Well, dermal ridges is the way you go about identifying fingerprints and footprints. All you can tell by this (sock print) is approximately the size, and you can't even tell that because they were slipping in the blood. I had absolutely no trouble finding reputable people who had been in finger and foot analysis with the FBI for twenty years who would destroy this in a minute. Unfortunately, Soering's lawyer did not hire an expert to toss this out.*
Ricky Gardner:	*She's absolutely right. She is. But nobody ever said that was Jens Soering's footprint. Did you hear me say that? I didn't say that. All I said it was similar. We didn't need him to say that it was Jens Soering's footprint. All we had to do was (to) put this over that.*

Ricky's statement ("nobody ever said that was Jens Soering's footprint") is untrue — see June 13, 1990. In his closing arguments to the jury, the prosecutor correctly summarized HalleQ's tes<mony: "(Y)ou can see what Bob HalleQ did concerning designa<ng this as his," "it matches and it fits like a glove."

October 30, 2013

Virginia public radio sta<on "WVTF / Radio iQ" airs an interview with Ricky in which he men<ons the luminol test of the rental car — see June 25, 1985 — A.

From "Jens Soering: New Turns in Infamous Virginia Case," by Sandy Hausman, WVTF/Radio iQ, October 30, 2013:

> "We did a luminal of the car. Luminal reacts to dried blood or invisible blood, and there was no sign of any blood in the car. Had there been just a minute spot of blood or whatever, the luminal would have still showed up for that."
>
> Soering offered a simple explanation: Elizabeth committed the crime with help from another man and another vehicle. In 2011 the owner of a Bedford County transmission shop – Tony Buchanan – came forward to tell of a car dropped off at his shop shortly after the Haysom murders. When he got to work on Monday, he called the towing company.

Detective Ricky Gardner

hQps://www.wvy.org/law-crime/2013-10-30/Soering-soering-new-turns-in-infamous-virginia-case

Like the FBI psychological profile, the luminol test is clearly exculpatory evidence that the prosecu<on was required to disclose to the defense under the *Brady v. Maryland* precedent. As noted earlier — see June 21, 1990 — A — one witness at Soering's trial briefly men<oned that a luminol test had been performed. But Soering's aQorney, Richard Neaton, was never provided a copy of the state lab's report with the *results* of the luminol test. As a result, the jury never learned that the luminol test had found no trace of blood in the rental car.

But, again, Soering's legal team cannot file a habeas corpus pe<<on on these grounds because Soering is en<tled to only *one* such pe<<on — and that ended in 2001. The discovery of the luminol test came 13 years too late.

June 24, 2016

The documentary film “The promise / Killing for love” premieres at the Munich Film Fes<val.

From CINE-VUE, January 13, 2017:

hQps://cine-vue.com/2017/01/film-review-the-promise.html

This film contains an interview with FBI Special Agent Edward F. Sulzbach — see April 5, 1985. He confirms that he definitely performed a psychological profile of the Haysom murders and adds, “I seQled on the daughter” as the most likely killer.

From “The promise,” a film by Marcus VeQer and Karin Steinberger, SWR-Arte-BR-BBC:
FBI Special Agent Edward F. Sulzbach

The film also contains a scene in which I take a telephone call from Ricky:

Ricky: *Chuck, we never did an FBI profile.*

Me: *Yes, we did.*

Ricky: *No, we didn’t.*

Me: *It was Ed Sulzbach. See, that’s how I got to know Ed.*

Ricky: *Now they (the filmmakers) are trying to make a big deal. And I told them, I said, “Chuck misspoke, we never did…” Chuck, if we’d have done one of those (profiles), that would have been exculpatory evidence.*

Me: *To be honest with you, I have a copy of some old field reports.*

Ricky: *But obviously, there was nothing mentioned in there…*

Me: *The profile? Yeah, it’s in there. It’s stating that Special Agent Ed Sulzbach did this psychological profile and came back to a female acquaintance.*

July 21, 2016

Aser a five-month review of all documents and tapes, Dr. Andrew Griffiths submits a 21-page analysis of Soering's interroga<on from June 5 to 8, 1986. Dr. Griffiths served for 30 years with the UK police, ending with the rank of Detec<ve Superintendent – Head of Intelligence and Crime Opera<ons.

- Dr. Griffiths cri<cizes Ricky for not having a ques<oning mindset and simply accep<ng Soering's confession. Ricky never challenged him on the obvious contradic<ons between his story and the crime scene evidence.

- Dr. Griffiths also cri<cizes the Bri<sh officers, Detec<ve Sergeant Kenneth Beever and Detec<ve Constable Terry Wright, for viola<ng Soering's rights under the PACE Act of 1986 (the UK equivalent of *Miranda* rights).

- Dr. Griffiths notes that according to the latest research*, the leading mo<ve for *teenagers* to give false confessions is to protect someone else. This is the mo<ve that Soering provided at his trial for the confession he gave in London. He was 19 years old at the <me.

  *Dr. Gisli H. Gudjonsson (Ins<tute of Psychiatry, King's College, London, UK), *The Psychology of InterrogaNons and Confessions: A Handbook*, Chichester: John Wiley & Sons, Ltd., 2003, page 177.

- In his conclusion, Dr. Griffith writes:

> As previously stated [23] it is impossible to provide complete certainty about the innocence of a suspect who retracts a confession but in the case of Jens Soering
>
> [23] Gudjonsson, G. (2003) *The Psychology of Interrogations and Confessions.* Chichester;Wiley. p217
>
> there are certainly significant doubts about the confession he made in relation to his description of the murders of Mr and Mrs Haysom, when considered against other case information and the circumstances of his interrogation.

Dr. Griffiths' analysis of the documents and tapes from Soering's interroga<on is not considered "new evidence" under Code of Virginia §19.2-327.1, so Soering's aQorneys cannot use this as the basis for a writ of actual innocence.

July 24, 2016

On September 24, 2009, Soering received the Cer<ficate of Analysis with the DNA test results. This lab report does not provide the blood groups of each of the samples tested. Those can only be found in the serology report: the Cer<ficate of Analysis submiQed by Mary Jane Burton on August 12, 1985.

Soering's habeas corpus pe<<on ended in 2001. Aserwards, he sent his en<re file to friends in the United States, and they sent the file to friends in Germany a few years later. So when Soering received the DNA test results in 2009, he no longer had access to the serology test results of 1985.

By 2009, 19 years had passed since his trial. Soering no longer remembered the item numbers of the samples belonging to blood group O, his blood group. But he remembered the tes<mony of Elmer Gist, Jr. — see June 8, 1989. He had filed a lab report in 1989 and then repeated his findings at Soering's trial in 1990, that the five samples belonging to blood group O had been "consumed during previous serological examina<ons; thus, no DNA analysis is possible."

Soering and his legal team trusted Gist's statements, given under oath both in his lab report and at Soering's trial. As a result, they all assumed that the DNA tests performed in 2009 could not possibly include the five samples belonging to blood group O. They no longer existed, according to Gist.

That is the reason why Soering's legal team never requested DNA tes<ng between 1990 and 2009. One cannot file a request to test blood samples that were "consumed during previous serological examina<ons; thus, no DNA analysis is possible."

———

On July 24, 2016, Soering's new lawyer, Steven D. Rosenfield, and Soering finally have an opportunity to compare the two lab reports. They discover that Gist had lied: the five type O blood samples were among those DNA-tested in 2009. And two of the five type O blood samples were tested successfully: 2FE and 6FE.

From the Washington Post, March 9, 2017:

> No one had compared the 1985 and 2009 reports side by side until July, when a schoolteacher in Germany, who is a supporter of Soering's, dug up the 1985 serology report from some case files she had been keeping for him in her attic.
>
> The 1985 report showed five samples of type O blood that were collected at the murder scene. The 2009 report showed that two of those five were successfully tested for DNA. Rosenfield said that Shelley Edler, who conducted the 2009 DNA test for the state lab, confirmed in a telephone call with him that, "as a matter of science," Soering was eliminated as a possible source of the two samples. Edler is prohibited as a matter of policy from publicly discussing her work, a department spokeswoman said.
>
> Four DNA experts reviewed those findings for ***The Post*** and concurred with Rosenfield's contention that the DNA analysis eliminates Soering as the source of the two type O blood samples.
>
> "In the DNA report, it does eliminate him," said Elaine Pagliaro, a forensic scientist at the Henry C. Lee Institute of Forensic Science in West Haven, Conn. "It looks like someone else with O-type blood. . . . On the face of it, that's what it would indicate."

July 24, 2016, cont'd.

With paywall:
hQps://www.washingtonpost.com/lifestyle/magazine/in-1985-a-gruesome-double-murder-rocked-virginia-was-the-wrong-man-convicted/2017/03/07/44c60742-e8b2-11e6-80c2-30e57e57e05d_story.html

Without paywall:
hQps://www.nzherald.co.nz/world/in-1985-a-gruesome-double-murder-rocked-the-us-what-if-the-wrong-man-was-convicted/MOIPAHMHO6JFE2KWENQULYNFKE/

From the 1985 serology tests:

2FE Stain	X	O

6FE Stain	X	O

From the 2009 DNA tests:

Item 22DR – Stain
Item 2FE – Stain
Item 35K – Swabs
Item 4DR – Stain
Item 6FE – Stain
Item 6LR – Dried stain at W.R. Derek Haysom
Item 7DR – Napkin
Item 8DR – Seat

- DNA profiles consistent with having originated from a common male contributor were developed.
  - Jens Soering and Elizabeth Haysom are eliminated as contributors.
  - 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.

This means that an unknown man bled at the crime scene. A man with the same blood group as Soering — 45% of the popula<on have blood group O — but different DNA.

But again, these DNA test results do not prove "actual innocence" under Code of Virginia §19.2-327.1. Soering is excluded from two of the five samples of type O blood, but it is possible that he commiQed the crime with another man — and it was that man's DNA that was found in items 2FE and 6FE. Maybe this other man is the one that Tony Buchanan saw with Haysom when they visited his repair shop — see March 25, 2011.

Because a writ of actual innocence based on the DNA tests cannot succeed, Soering's aQorney, Steven D. Rosenfield, files a pe<<on for an absolute pardon on August 26, 2016.

September 11, 2016 — A

About three weeks aser Steven D. Rosenfield files a pe<<on for an absolute pardon, the Richmond Times-Dispatch publishes an interview with BeQy Layne DesPortes, an aQorney specializing in forensic evidence. She claims that the samples at issue may have been contaminated or mixed. If true, the results are not necessarily reliable.

From the Richmond Times-Dispatch:

> "The evidence sample was swabbed and it may have contained not only the type O blood but other sources of DNA, such as skin cells," she said. DesPortes said that without knowing whose DNA profile was present, more needs to be known to determine the significance of the test results.

hQps://richmond.com/news/local/crime/ex-girlfriend-Soering-soering-killed-her-parents-because-mom-had-sexually-abused-her/ar<cle_5b0a3614-33fa-5304-af0c-381fc5640a61.html

DesPortes' argument is difficult to understand for two reasons:

- Even if the samples were mixed, the fact remains that Soering's DNA is not part of the mixture. He remains excluded. What does it maQer if there is a mixture, as long as his DNA is not part of it?

- DesPortes overlooks the *legal* impact of the DNA test results:

    - At Soering's trial, the prosecutor told the jury *twenty-six* <mes that type O blood was found at the crime scene and that Soering was the only possible source of that blood — see February 8, 1990.

    - In view of the new DNA test results, excluding Soering as a possible source of the type O blood, the prosecutor could no longer make that statement. An important part of his case would be missing if the trial were held today.

    - In fact, if he were honest, the prosecutor would have to tell the jury twenty-six <mes that Soering is "eliminated as contributor" of the type O blood. Would a new jury s<ll convict Soering if they heard that twenty-six <mes?

September 11, 2016 — B

Haysom gives an interview in which she admits commiwng perjury at Soering's trial and invents a new mo<ve for the murders.

In the interview, she con<nues to insist that Soering commiQed the crime but admits lying during his trial about being sexually abused by her mother. On the witness stand in 1990, Haysom denied the abuse, but now she says she is ready to admit the truth: her mother had abused her.

From the Richmond Times-Dispatch:

> And Haysom admitted Thursday that she lied when testifying at Soering's trial about whether her mother had sexually abused her.
>
> After years of reflection, she now says that the sexual abuse was the real motive for the savage murders. She also appeared to deny the sexual abuse at her sentencing hearing.
>
> When questioned by former Bedford County Commonwealth's Attorney Jim Updike during Soering's trial about whether her mother had sexually abused her, as Soering contended, Haysom responded, "She didn't sexually abuse me."

hQps://richmond.com/news/local/crime/ex-girlfriend-Soering-soering-killed-her-parents-because-mom-had-sexually-abused-her/ar<cle_5b0a3614-33fa-5304-af0c-381fc5640a61.html

For comparison, see October 5 and 6, 1987, and June 13 and 14, 1990, Inconsistency #15.

In the interview, Haysom also invents a new mo<ve for the murders: eight years of sexual abuse. At Soering's trial, the alleged mo<ve was her parents' supposed opposi<on to her rela<onship with Soering. But "she now says that sexual abuse was the real mo<ve for the savage murders" see above.

If the jury had heard that, the verdict may well have been different. Sexual abuse is a mo<ve for *Haysom* to kill her parents, not Soering. She was the vic<m, not he.

If Haysom's allega<ons of sexual abuse are true, they would explain the "overkill" — the excessive brutality of the crime. Sexual abuse as a mo<ve may also explain her choice of words in her confession, "I got off on it" — see June 8, 1986.

Haysom's admission that she commiQed perjury at Soering's trial undermines the credibility of a key prosecu<on witness. But that, by itself, is not "new evidence" proving "actual innocence" under Code of Virginia §19.2-327.1.

May 1, August 21 and September 14, 2017

To address the ques<ons raised by BeQy Layne DesPortes — see September 11, 2016 — A — Soering's aQorney, Steven D. Rosenfield, finds two DNA scien<sts willing to examine the serology and DNA evidence *pro bono*:

- Dr. Moses S. Schanfield — Professor and Chair, Department of Forensic Sciences and Anthropology, George Washington University, Washington, D.C.

- Dr. J. Thomas McClintock — Professor and Director, Forensic Science Program, Liberty University, Lynchburg.

They each spend over 100 hours working on the case and reach iden<cal conclusions:

- The samples at issue were *not* mixed and have only *one* contributor.

- Even in 1985, Mary Jane Burton was able to iden<fy mixtures. She found one mixture, item 13K, and tes<fied about it at trial: Trial transcript, June 12, 1990, page 156. She found no mixtures in the relevant samples.

- In addi<on to the uniden<fied man with type O blood and a different DNA profile than Soering's, Drs. Schanfield and McClintock determine that a *second* uniden<fied man les blood at the crime scene: a man with AB blood and a different gene<c profile than Soering's.

From ABC13 News, October 27, 2017:

hQps://www.facebook.com/watch/live/?ref=watch_permalink&v=10155180691422428

(Dr. Schanfield is introduced at minute 7.)

From WINA, October 27, 2017:

hQps://wina.com/news/064460-advocates-trying-to-free-Soering-soering-present-dna-evidence-ques<on-police-interroga<on/

From C'ville Weekly, September 28, 2017:

hQps://www.c-ville.com/soering/#.Wc1XFHrTWhA

As before, Dr. Schanfield's and Dr. McClintock's analyses do not prove "actual innocence" under Code of Virginia §19.2-327.1. It is possible that Soering commiQed the crime along with two other men who both les their blood at the crime scene.

———

Aser Soering's return to Germany, Drs. Schanfield and McClintock are aQacked by Soering's cri<cs as "paid experts," sugges<ng that they accepted money for lying on Soering's behalf. This is ridiculous; Soering was in prison at the <me Drs. Schanfield and McClintock wrote their reports, so he did not have the financial means to bribe them. The truth is that each of them received a one-<me symbolic payment of approx. $200 to establish a professional rela<onship with Soering's aQorney. This is common prac<ce with expert witnesses in criminal proceedings.

Summary of Serology and DNA findings

Item 6FE (Item 2FE not shown)

Male type O blood, different DNA profile than Soering

6FE Stain	X	O

Item 6FE – Stain
Item 6LR – Dried stain at W.R. Derek Haysom
Item 7DR – Napkin
Item 8DR – Seat

- DNA profiles consistent with having originated from a common male contributor were developed.
  - Jens Soering and Elizabeth Haysom are eliminated as contributors.
  - 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.

Item 23K#1 (Item 7FE#1 not shown)

Male type AB blood, different DNA profile than Soering

23K	#1	X	AB
unter Top	#2	X	A

Item 23K – Section of formica counter top with stains

Stain #1

- Limited DNA types indicative of a male contributor were developed.
  - Jens Soering and Elizabeth Haysom are eliminated as contributors.
  - 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.

Stain #2

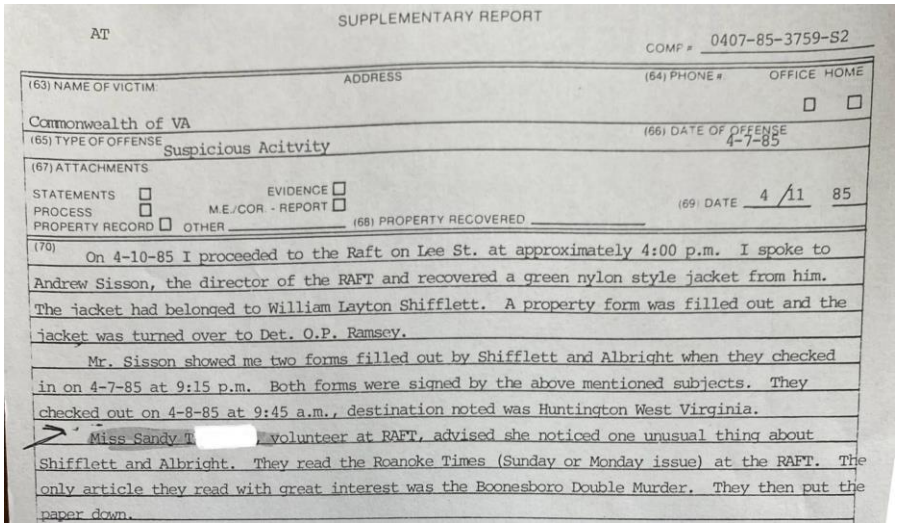
- DNA types of no value and indicative of a male contributor were developed.
  - Due to the limited information obtained, these DNA types are not suitable for comparison, searching against the Virginia DNA Data Bank or submission to the National DNA Data Bank.

March 16, 2018

I receive an email from Sandra T., a volunteer at the homeless shelter where William ShiffleQ and Robert Albright stayed shortly before killing another homeless man in 1985 — see December 9, 1996. This email eventually leads to the discovery of police reports by the Roanoke City Police Department that show a possible connec<on between ShiffleQ and Albright and the Haysom double-murder.

From the Roanoke Police Department Supplementary Report of April 11, 1985, pages 1 and 2:

> *Miss Sandra T, Volunteer at RAFT, advised she noticed one unusual thing about Shifflett and Albright. They read the Roanoke Times (Sunday or Monday issue) at the RAFT. The only article they read with great interest was the Boonsboro Double Murder. They then put the paper down.*
> …
> *They attentively watched the segment on the Roanoke murder, making comments like, "he must have lots of money to live in a hotel, and it was probably his time to 'go' anyway." They made similar comments about the double murder in Boonsboro.*
> …
> *Contact was made with Sgt. Mayhew / Bedford Co. Sheriff's Office and also Lt. Shields, Roanoke City P.D., reference this information on 4-10-85.*



SUPPLEMENTARY REPORT

AT

COMP # 0407-85-3759-S2

(63) NAME OF VICTIM ADDRESS (64) PHONE # OFFICE HOME

Commonwealth of VA

(65) TYPE OF OFFENSE Suspicious Acitvity (66) DATE OF OFFENSE 4-7-85

(67) ATTACHMENTS

STATEMENTS ☐ EVIDENCE ☐

PROCESS ☐ M.E./COR - REPORT ☐

PROPERTY RECORD ☐ OTHER _____ (68) PROPERTY RECOVERED _____

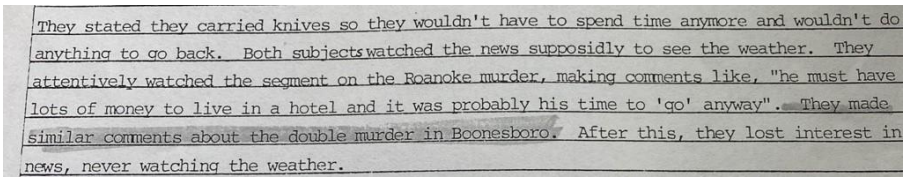
(69) DATE 4/11/85

(70)

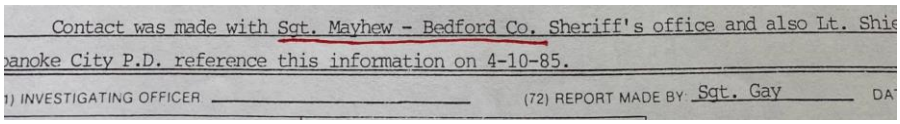
On 4-10-85 I proceeded to the Raft on Lee St. at approximately 4:00 p.m. I spoke to Andrew Sisson, the director of the RAFT and recovered a green nylon style jacket from him. The jacket had belonged to William Layton Shifflett. A property form was filled out and the jacket was turned over to Det. O.P. Ramsey.

Mr. Sisson showed me two forms filled out by Shifflett and Albright when they checked in on 4-7-85 at 9:15 p.m. Both forms were signed by the above mentioned subjects. They checked out on 4-8-85 at 9:45 a.m., destination noted was Huntington West Virginia.

Miss Sandy T [redacted] volunteer at RAFT, advised she noticed one unusual thing about Shifflett and Albright. They read the Roanoke Times (Sunday or Monday issue) at the RAFT. The only article they read with great interest was the Boonesboro Double Murder. They then put the paper down.



They stated they carried knives so they wouldn't have to spend time anymore and wouldn't do anything to go back. Both subjects watched the news supposidly to see the weather. They attentively watched the segment on the Roanoke murder, making comments like, "he must have lots of money to live in a hotel and it was probably his time to 'go' anyway". They made similar comments about the double murder in Boonesboro. After this, they lost interest in news, never watching the weather.



Contact was made with Sgt. Mayhew - Bedford Co. Sheriff's office and also Lt. Shie
anoke City P.D. reference this information on 4-10-85.

1) INVESTIGATING OFFICER _____ (72) REPORT MADE BY Sgt. Gay DA

These police reports are clearly "exculpatory evidence" under the *Brady v. Maryland* precedent. The prosecu<on was aware of them since the Roanoke City P.D. contacted the Bedford County Sheriff's

March 16, 2018, cont'd.

Office. The prosecu<on was required to turn these police reports over to Soering's aQorney prior to trial, and its failure to do so violated Soering's cons<tu<onal rights.

But under AEDPA, Soering is en<tled to only *one* habeas corpus pe<<on. Since his habeas corpus proceedings ended in 2001, he cannot file another one now; the discovery of these police reports came 17 years too late.

Later, ShiffleQ and Albright are eliminated as sources of the DNA les at the crime scene — see May 1, August 21 and September 14, 2017. Their fingerprints also do not match the uniden<fied fingerprints at the crime scene — see February 13, 1990. There is no forensic evidence connec<ng them to the crime scene.

But of course, the same is true of Soering, too.

April 9, 2018

The current Sheriff of Albemarle County, Virginia, J.E. “Chip” Harding, holds a press conference at which FBI Special Agent (ret.) Stanley J. Lapekas presents the FBI file on the Haysom murders — see April 3, 1985. The FBI file does *not* contain the psychological profile, but it *does* contain other documents referring to the profile and summarizing its conclusions — see April 5, 1985.

From “Re<red FBI Agent Says Soering Should Be Freed,” by Sandy Hausman, WVTF/RadioiQ, April 11, 2018:

“There was a memo in the file generated by the FBI indicating that Sheriff Wells requested that the FBI conduct a psychological profile," he recalls. "That was also shored up by the fact that Ed Sulzbach was photographed at the crime scene.”

Retired FBI agent Stan Lapekas reviewed the Soering case and concluded the man who's been in prison for more than 30 years should be released.

The original Bedford County investigator, Chuck Reid, also insisted there was a profile, but he left the sheriff’s office soon after the crime, and a rooky detective named Ricky Gardner took over. He told us there was no profile and became angry when a German film crew pressed him on the point.

“I’m getting tired of hearing about this, because it never happened and Chuck Reid is wrong!" Gardner shouted. " This happened 30 years ago. Chuck Reid is wrong. I've given you my side of the story. You can beat a horse to death. I’m tired of it!”

He left the room, slamming the door behind him.

hQps://www.wvy.org/news/2018-04-11/re<red-Çi-agent-says-soering-should-be-freed

From Lapekas’ leQer to Governor Ralph S. Northam of April 2, 2018:

The shoe print found at the crime scene rules out Mr. Soering and is consistent with Ms. Haysom’s shoe size, which was observed by the Agent Sulzback and was indeed exculpatory evidence if not revealed to the defense. It would appear that Gardner has been less than truthful and/or was kept in the dark regarding the existence of the profile. The prosecutor clearly knew of the exculpatory evidence and the view of Special Agent Sulzbach. Additionally, it is noted that Agent Sulzbach was not requested to testify at Soering’s trial and neither was the affiant of the document sent to attorney Phillips.

April 9, 2018, cont'd.

At the press conference, Lapekas also offered his opinion on HalleQ's sock print comparison.

From "Re<red FBI Agent…," WVTF/RadioiQ:

> "The footprint that was presented in court to the jury by the non-expert witness through an overlay in my opinion is nothing more than a magic trick that was purchased at a five and ten store. It just doesn't meet any relative standard at all," the former G-man concludes.

The discovery of the FBI file is not "new evidence" in the sense of Code of Virginia §19.2-327.1 because the psychological profile itself was not found in the file — only documents referring to it. Also, profiles are usually not admissible as evidence in court. As a result, Soering cannot file a writ of actual innocence on this basis.

Under the *Brady v. Maryland* precedent, the prosecu<on was required to turn over the psychological profile to Soering's aQorneys prior to trial because such documents are definitely "exculpatory informa<on." But under AEDPA, Soering is limited to only one habeas corpus proceeding, so he cannot file a habeas corpus pe<<on on this basis.

Aser Soering's return to Germany, he is accused by his cri<cs of distribu<ng "media packs" with distorted informa<on about his case. One example of this prac<ce was supposed to be the informa<on provided to the media at the press conference of April 9, 2018.

But the document-collec<on for this press conference was not distributed by Soering; it was distributed by the Albemarle County Sheriff's Office. The table of contents can s<ll be found on the sheriff's office website:

hQps://www.albemarleso.org/press-releasemedia

The documents provided to the media are accurate and complete, except for the redac<on of the names of some suspects who were later eliminated. But the redac<on of these names was not performed by Soering, his aQorneys or friends, but *by the FBI* — before the documents were turned over to Lapekas. This is standard procedure in FOIA request document releases to protect the privacy of innocent persons

July 11, 2018

CharloQesville Police Department Detec<ve Sergeant (ret.) Richard A. Hudson submits a report to Governor Ralph S. Northam. Hudson is a former colleague of Albemarle County Sheriff J.E. “Chip” Harding. In his leQer, he describes finding a new piece of evidence in old crime scene photographs: a second shoe print with a different treadwear paQern than the shoe prints known so far — see April 8, 1985. Every other inves<gator had overlooked this shoe print for 33 years.

From Hudson’s leQer to Harding, page 2:

(Please note that the photographs have been digitally enhanced, hence the silver coloring.)

Tread wear print DR14 – dining room

Unmarked tread wear print – living room

Neither of these shoe prints could have been les by Derek and Nancy Haysom.

From Hudson’s leQer to Northam, page 3:

Nancy Haysom's shoe sole – kitchen

Derek Haysom's shoe soles – living room

July 11, 2018, cont'd.

From Hudson's leQer to Northam, pages 3 and 4:

> It is my conclusion, using the above and below photographic support, that there was definitely more than one assailant in the Haysom house at the time of the murders and possibly as many as three. The foot/shoe impression evidence supports just that. For the avoidance of doubt, these tread wear prints cannot have originated from Nancy or Derek Haysom, as is evidenced by the crime scene photos of their shoe soles, which are clearly distinguishable from the tread patterns above.
>
> My belief is that there were multiple assailants and based purely on evidence analysis, there is no indication that Soering was there when this atrocity occurred. There is ample evidentiary support for multiple as yet unidentified assailants.

From "Re<red Detec<ve Raises New Doubts About Soering Convic<on," WVTF/RadioiQ, October 31, 2018:

> And he's distressed by the fact that the sheriff's office in Bedford County won't play ball.
>
> "It's not that they won't cooperate with us. They won't even talk to us. They've declined on numerous occasions to meet with us, answer questions, let us give them the information that we have and they can take it and do with it as they please. They won't even talk about it. From the sheriff to the chief deputy, no one will talk about it."

hQps://www.wvy.org/news/2018-10-31/re<red-detec<ve-raises-new-doubts-about-soering-convic<on

---

Like Dr. Schanfield's and Dr. McClintock's analyses of the serology and DNA evidence, the second shoe print does not prove "actual innocence" under Code of Virginia §19.2-327.1. It is possible that Soering commiQed the crime along with one or two other men who both les their shoe and sock prints at the crime scene.

July 12, 2018

Albemarle County Sheriff J.E. “Chip” Harding submits a report to Governor Ralph S. Northam about his inves<ga<on of Donald Harrington, the witness who claims to have seen injuries on Soering at the Haysoms’ funeral service and reported this to inves<gators approx. ten days later. Harding finds three new witnesses regarding this maQer: Dr. J., AQorney B. and me.

Dr. J

From Harding’s leQer to Northam, page 2:

> Dr. J is a cardiovascular specialist in . After graduating from the University of Virginia in 1988 he attended Johns Hopkins Medical School where he graduated in 1993. J said he was close to both Elizabeth and Jens in 1984/85. He was a suitemate and friend of Jens Soering during that time but has had no contact with him or Elizabeth since they left UVA.
>
> He said he absolutely **saw no signs of injury to Jens on his hands or face in the days immediately following the murders**. He said he had dinner at the “Treehouse Restaurant” on grounds with the two of them a few days before the funeral. He saw Jens up close for a good length of time. He saw no injuries, bandages or bruised face. He saw him a few more times around the same time period as Jens was in his dorm suite. He offered to attend the funeral and Elizabeth told him not to bother coming.
>
> It should be noted that after my May 22,2018 interview with Dr. I checked the written alibi that Kristin Kim had written out for Elizabeth and it contains a reference of being at the “Treehouse Restaurant” on the evening of Monday April 1st with J .

N.B.: The “alibi” that Sheriff Harding men<ons above is a three-page handwriQen document created by Chris<ne Kim, Haysom’s college roommate — see June 15, 1990. It purports to describe Soering’s and Haysom’s ac<vi<es from March 29 to April 3, 1985, and is commonly called the “alibi <meline.”

In her s<pulated tes<mony during Soering’s trial, Kim tes<fied that she could not remember who dictated the “alibi <meline” to her: Haysom alone or Haysom and Soering together. Surprisingly, the court accepted this improbable tes<mony.

Aeorney B

From Harding’s leQer to Northam, pages 2 and 3:

> I also was able to locate and interview B . She was a suitemate of Haysom. She is now an attorney practicing in . She reported the following, “ Elizabeth’s parents friend came to the dorm looking for Elizabeth to let her know her parents had been found murdered. I and my roommate , were the only ones that happened to be in. We went looking for Jens and Elizabeth and found them in a movie. We had them come out. I took Jens to the side and told him what was going on and that he needed to get Elizabeth back to the dorm right away. My suitemate and I rode the bus back to the dorm and Elizabeth and Jens walked. We passed them walking and they appeared in serious conversation. I saw Jens several times that night. **I did not see any bruise on his face or cut or bandage on his fingers or hand. No one else has ever mentioned to me they saw any such injuries**.

July 12, 2018, cont'd.

> Note that a review of the alibi written by Kristin Kim references B and interrupts the movie "The Trial" between 6:30pm and 8:30 pm. on Wednesday April 3, 1985.
>
> I attempted to reach other suitemates but the majority would not respond or indicated they did not want to speak with me. Several did cooperate but like , mentioned above, could not remember seeing a bruised face or cut hand. They said they could not trust their recollection either way.

Myself

I was not allowed to enter the courtroom during Soering's trial in 1990, so I was unaware of Harrington's tes<mony un<l ques<oned by Harding in 2018.

From Harding's leQer to Northam, page 2:

> He responded saying "With all due respect to Mr. Harrington, I know he is deceased. What he testified to at trial is a total lie if he said that he gave Ricky this information ten days after the murders. Mr. Harrington wouldn't have known Ricky from me or John Smith at that time. The …
>
> when we got them at UVA. Believe me, if myself or Ricky had been aware of any injuries to Jens or any information regarding this, we would have questioned him about it the day we interviewed him in October of 1985. I know for a fact that I wasn't aware of it and neither was Ricky. I never heard the first thing about this."

From Harding's Brief to Northam, page 3:

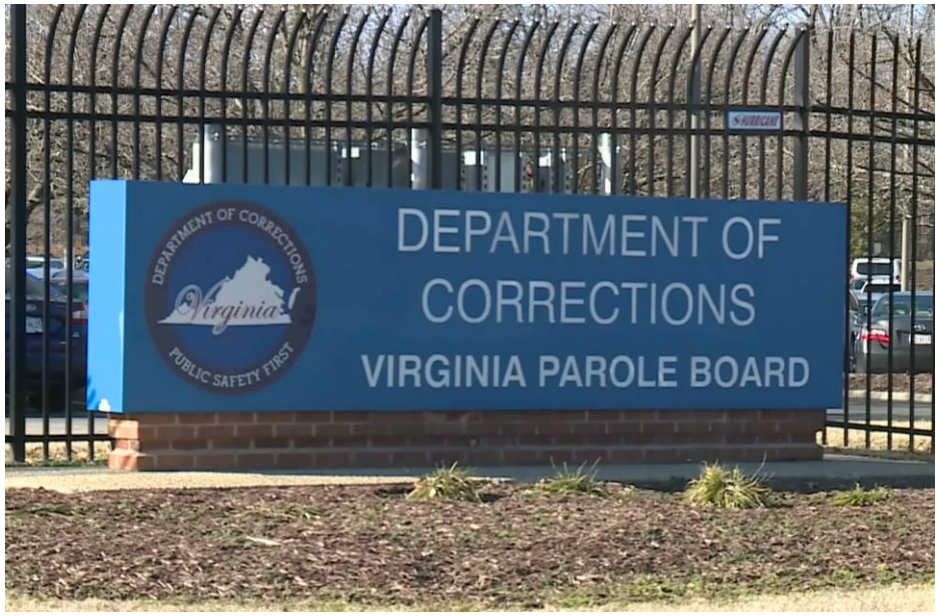
> Conclusion
>
> Based on the information I have obtained concerning Harrington's testimony I highly suspect it is not correct and should have been challenged more strenuously at trial.
>
> Sincerely,
>
> J.E. "Chip" Harding
>
> J.E. "Chip" Harding

Dr. J's, AQorney B's, and my statements about Donald Harrington undermine the credibility of a key prosecu<on witness. But that, by itself, is not "new evidence" proving "actual innocence" under Code of Virginia §19.2-327.1.

November 25, 2019

Virginia Parole Board Chairperson Adrienne L. BenneQ announces that Soering and Haysom will both be released on parole. Soering's pe<<on for an absolute pardon is turned down because it is "without merit."

Personal photo:



From USA Today:

hQps://www.usatoday.com/story/news/na<on/2019/11/26/Soering-soering-Haysom-haysom-granted-parole-virginia-killings/4306744002/

BenneQ gives the following reasons for Soering's and Haysom's release:

- their age at the <me of the crime
- the length of <me served already (33 years)
- their lack of dangerousness
- cost-savings to Virginia taxpayers

Can these reasons really be true?

Age at Xme of crime

According to Sta<sta, most murderers are young when they commit their crimes. Soering and Haysom are no different in that regard. Why should they be released just because they — like most others — were young when they broke the law?

hQps://www.sta<sta.com/sta<s<cs/251884/murder-offenders-in-the-us-by-age/

November 25, 2019, cont'd.

Length of Xme served

According to the Jus<ce Policy Ins<tute, Virginia shows no mercy when it comes to making prisoners serve very long sentences. Soering was sentenced to not just one but two life sentences. Also, Judge Sweeney ordered him to serve one aser the other — see June 21, 1990 — E. Why should the length of <me served lead to *his* release when over 4,000 other "lifers" remain in prison?

hQps://jus<cepolicy.org/wp-content/uploads/2022/02/VA-Second-Look-02-04-2022.pdf

Lack of dangerousness

According to the Brennan Center, 25% of prisoners are incarcerated for nonviolent crimes. Would it not be much safer to release them instead of two prisoners convicted of a brutal double murder?

hQps://www.brennancenter.org/our-work/research-reports/how-many-americans-are-unnecessarily-incarcerated

Cost savings to taxpayers

According to the Vera Ins<tute, each prison inmate costs Virginia taxpayers just $21,299 per year. What is more important: saving a liQle money or keeping two dangerous killers behind bars?

hQps://www.vera.org/publica<ons/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends/price-of-prisons-2015-state-spending-trends-prison-spending

———

Special factors regarding Soering's dangerousness

According to the USA Today ar<cle above, Soering was denied parole 14 <mes, always because of the "serious nature and circumstances of the crime." The "serious nature and circumstances of the crime" did not change between 2018 (his last previous parole hearing) and 2019.

BenneQ said that Soering's pe<<on for an absolute pardon was "without merit." In other words, his claim of innocence is a lie. That makes Soering an *unrepentant* double murderer who

- refuses to accept responsibility for his awful crime,
- wrongly blames Haysom for killing her parents herself, when in fact she was only an accomplice,
- manipulates lawyers (Marshall, Ball, Rosenfield), police officers (Griffiths, Harding, Lapekas and me) and scien<sts (Schanfield, McClintock) into spreading his false claim of innocence,
- wasted the governor's and parole board's <me with a pe<<on for a pardon that required a three-and-a-half-year inves<ga<on — even though he knew all along that he is guilty.

These four factors make Soering an especially dangerous person. But on the same day that Bennet makes this determina<on, she also decides to release Soering. How can that be?

August 8, 2022

Aser Soering returns to Germany on December 17, 2019, a coQage industry of cri<cs comes into existence that claims to have discovered the truth:

- Soering is "doubtlessly guilty" (in German: "zweifelsfrei schuldig").

- Soering manipulated the German media by appealing to an<-American les-wing German journalists.

- From prison, Soering led a "personality cult" that persuaded its hapless members — incl. former German President Chris<an Wulff and former Canadian Jus<ce Minister Irwin Cotler — into spreading his lies.

These cri<cs have three main claims:

- All appellate courts rejected Soering's claims of innocence.

  This is true — but as explained above, Soering was never able to bring any of the new evidence of innocence to court. Appellate courts deal only with procedural errors, and federal habeas courts deal with cons<tu<onal errors. New evidence of innocence cannot be introduced anywhere.

- Soering knew details about the crime scene that only the real killer would know.

  This is true — but Soering claims he learned these details from the real killer, Haysom, when they prac<ced his false confession in the early morning hours of March 31, 1985 — see June 18 and 19, 1990. Soering knew many correct details about the crime scene, but his confession also contains many mistakes the real killer would not have made.

- The blood samples whose DNA excludes him as a source were contaminated or mixed with Derek Haysom's DNA.

  Even if that were true, that would simply mean that *someone* with type O blood les his blood at the crime scene. But 45% of the popula<on have that blood type, so this would not prove Soering's guilt at all.

  Both Prof. Moses S. Schanfield and Prof. J. Thomas McClintock determined that the relevant blood samples (both male type O and male type AB) were *not* contaminated or mixed — see May 1, August 21 and September 14, 2017. They determined that the relevant samples had only *one* source. As noted earlier, Soering's cri<cs aQempted to undermine this finding by sugges<ng that Soering bribed Drs. Schanfield and McClintock.

———

To further corroborate that the samples were not mixed or contaminated, Soering asks Dr. McClintock to examine the raw data from the DNA tests. (Dr. Schanfield had meanwhile died.) He does so on August 1, 2022, in the presence of a forensic examiner from the Department of Forensic Sciences.

August 8, 2022, cont'd.

Dr. McClintock concludes that the samples at issue were not contaminated or mixed. He sets down his findings in a formal report dated August 8, 2022.

From Dr. McClintock's report, page 2:

> *Interpretation of the DNA Tests Results*
>
> The partial profiles generated from Items 2FE#1, 6FE, 7FE#1, 23K#1, and 35K were consistent with a sample containing only one contributor – not a mixture. Partial profiles are obtained when alleles (a band of DNA from each parent that is represented as a numerical value such as "13, 14") are not observed at the various loci (sites or markers on the DNA) tested. For example, the PowerPlex 16 BIO system analyzes 16 loci and, in this instance, only a few loci (5) displayed an allelic profile or response for Item 6FE.
>
> When examining all loci for each of these samples each displayed a single band (a homozygote with two alleles having the identical molecular weight) or two bands (a heterozygote with two alleles with different molecular weights). In a few instances, more than two bands were observed at a given locus that would suggest a mixture (a sample containing more than one contributor); however, when reviewing the raw data those extra bands were determined to be "stutters" (by DFS and myself) and not considered an allele. A stutter is an artifact seen when amplifying STRs and typically occurs at one repeat unit shorter in length than the parent allele. Once these stutter bands were removed (during the analysis) only one or two allelic bands were left indicating a single contributor to the sample. It should be noted that all the samples that were analyzed appeared as samples containing only one contributor and thus only contained one or two bands.

Dr. McClintock's report conclusively proves that two other men les their blood at the crime scene, and Soering did not. But that does not cons<tute proof of "absolute innocence" in the sense of Code of Virginia §19.2-327.1 because Soering could s<ll have been at the crime scene with these two other men. At his trial, he claimed he wanted to protect Haysom with his false confession. Maybe this was a lie; maybe he wanted to protect his two male accomplices.

Appendix 1

The Terry Wright Report

1

Background — Terry Wright

After Soering's return to Germany, one of the British officers assisting Ricky in his interrogation of Soering, Terry Wright, released a report on the Haysom murder case. The report presents itself as a detailed examination of the evidence by an investigator who worked on the case himself. German media picked up on this self-representation: "Britons are also convinced of Soering's guilt — 454-page report from Scotland Yard," the BILD newspaper announced on December 18, 2019.

But Scotland Yard had nothing to do with the report. It is the work of a retired investigator writing as a private citizen. The same is true of this report: I am writing as a private citizen.

When reading Wright's report, it is important to remember several basic facts:

- Wright was **never assigned to the Haysom case**. He was a British police officer, and the double-murder of the Haysoms occurred in the United States, so Wright lacked jurisdiction to work on the case. He and his supervisor, Kenneth Beever, were only responsible for the check fraud committed by Soering and Haysom in London.

- Wright's role during the interrogations of June 5 to 8, 1986, was **to assist Ricky, nothing more**. At Soering's trial, Ricky testified that it was exclusively *his* case, *his* investigation — definitely *not* Wright's and Beever's. (Trial transcript, June 7, page 140, cited in my report)

- Wright's work on the case as Ricky's assistant **lasted just four days**: June 5 to 8, 1986. His involvement was very limited, as he admits himself. In the "Bonus Material" of the podcast "The Soering System," Wright says at minute 5:59,

  > *"I was never involved in the forensics in the 1980s. That had all been done in America, before I got involved. A lot of the stuff that went on I was not a party to, because I was a witness. In the last few months, after the report (i.e., his own) was published, I've taken a very close look."*
  >
  > https://www.bookbeat.de/buch/das-system-soring-657027

- Wright is entitled to his opinion. But it is **only his opinion**, nothing more. And as he wrote himself, on page 418 of his report:

  > *"Offering an opinion on a case as complex as this one with only a little amount of knowledge is foolhardy at best."*

- Wright **cannot produce a single *new* piece of evidence against Soering** in any of the 454 pages of his report. He analyzes the old evidence — the evidence I gathered during my seven months as Senior Investigator — and he criticizes the new evidence as well as the many

investigators who are convinced of Soering's innocence. But he does not provide a single *new* fact that incriminates Soering.

If Soering were really as guilty as Wright proposes, why has not a single new fact against him been found during the decades of his incarceration?

- Wright is **not an objective, neutral observer**. Even though he was never assigned the case, he took part in Soering's questioning in London and testified against him at his trial in Virginia. If Soering's conviction were officially recognized as a wrongful conviction, it would damage to Wright's reputation.

- Wright **may be working together with Haysom**. On May 9, 2017, he apparently reached out to Haysom on Twitter:

  https://twitter.com/terrywr26019335/status/905129278005809152?s=61&t=C7shAaAF36I7nd6nQr5u1g

  This attempt to contact Haysom occurred just seven days after Virginia media reported that Albemarle County Sheriff J.E. "Chip" Harding called on Governor Ralph S. Northam to grant Soering a pardon.

  https://3wv.com/news/064460-albemarle-sheriff-chip-harding-supports-release-of-Soering-soering/

2

DNA and serology
Pages 10 to 110 of the Wright report

Wright is a police officer, not a DNA scientist. Genetics is one of the most complicated, sophisticated sciences there is. The 100 pages of the Wright Report dealing with DNA and serology are the speculations of a layman.

In court, Wright would never be allowed to testify as an expert witness on the subjects of DNA and serology. Compare this to Prof. Moses S. Schanfield and Prof. J. Thomas McClintock, who have both testified as recognized expert witnesses in more than 100 trials in the United States.

As noted in my report, Drs. Schanfield and McClintock reached conclusions very different from Wright's.

Wright's speculations consistently lead him to conclude that the DNA samples must have been contaminated or mixed. He is forced to this conclusion because, if the samples were *not* contaminated or mixed, Soering is almost certainly innocent.

But Drs. Schanfield and McClintock explicitly rule out contamination and mixing. On August 8, 2022, Dr. McClintock even examined the raw DNA test data at the Department of Forensic Sciences to re-confirm this.

The basic facts are really simple:

- At Soering's trial, jurors heard that samples 2FE and 6FE belonged to blood type 0. The prosecutor claimed 26 times those samples could only have come from Soering.

- The September 24, 2009, Certificate of Analysis, page 3, says quite clearly about samples 2FE and 6FE: "Jens Soering and Elizabeth Haysom are eliminated as contributors."

- If the trial were held today, the prosecutor would have to tell the jury 26 times that Soering was excluded as the source of these samples.

3

Sock print
Pages 110 to 126 of the Wright Report

Just like the section on DNA and serology, the 16 pages of the Wright Report about sock print LR3 are the speculations of a layman. The analysis of footprints and sock prints should be conducted by qualified impressions examiners. Wright is a police officer, not an impressions examiner. He would never be allowed to testify in court as an expert witness on this forensic specialty.

It's the job of investigators to gather evidence, and it's the job of forensic experts to analyze and interpret that evidence. In his report, Wright leaves his area of expertise over and over.

As noted in my report, real experts, impressions examiners Russell Johnson and Frederick Webb, looked at the sock print five years after Soering's trial. They concluded that LR3 could equally well have been left by Haysom and Soering. In size, it fits only Haysom. Because this contradicts his narrative, Wright attacks these experts just as he attacks Schanfield and McClintock.

What I find especially troubling is that Wright never mentions the footprint of Haysom's that was never shown to the jury — the footprint that fits the sock print from the crime scene at least as well as Soering's. How are readers of the report supposed to form a fair judgment if Wright conceals this ink footprint of Haysom?

Also, Wright conceals from his readers that Ricky admitted in a German TV documentary that the sock print does not actually prove Soering's guilt, it is just a piece of the puzzle. If Ricky can recognize and admit this, why does Wright know better? I covered this subject in my report, but here is the link to that interview again:

https://www.zdf.de/dokumentation/zdfzoom/keine-gnade-fuer-haeftling-179212-102.html

4

Luminol testing of the rental car
Pages 126 to 135 of the Wright Report

The luminol test of the rental car is important new evidence because:

- The test proves that a crucial part of Soering's confession cannot be true: he claimed that he had injured his fingers and bled heavily in the car.

- The test proves an important part of Haysom's testimony in court cannot be true: she claimed that, when Soering returned in the car, he was covered in a blood-soaked bedsheet.

As noted in my report, the jury at Soering's trial never learned the *results* of the luminol test, only that a luminol test had been performed. Soering's lawyer was not given the state lab's Certificate of Analysis with the test results, and he failed to ask for it when he heard Geoff Brown testify about the test.

As also noted in my report, Ricky described in a radio interview how reliable luminol testing is. Not a single drop of blood was found in the rental car, Ricky said. Here is a link to that interview again:

hQps://www.wvy.org/law-crime/2013-10-30/Soering-soering-new-turns-in-infamous-virginia-case

I was the investigator who conducted the luminol test. During the investigation of Soering's pardon petition, I confirmed Ricky's statement in a letter to Governor Ralph S. Northam. On this point, Ricky and I agree.

I find it interesting that Wright never tells his readers that Ricky and I agree on the luminol test. Leaving out crucial information is something Wright does again and again in his report.

Another thing Wright does again and again is to attack people who produce findings or state opinions that counter his (Wright's) narrative. In previous sections of his report, he did that with Schanfield, McClintock, Johnson and Webb. In this section, he attacks me: I must have performed the luminol test incorrectly, Wright says, because I did not find any blood. If the test does not produce the results you want, then the test must be wrong!

What Wright apparently does not know is that a luminol test involves more than spraying the chemical on surfaces. Following proper procedure, I also swabbed the areas tested and then submiQed those swabs to the state lab for further analysis by forensic experts. From the trial transcript of June 12, 1990, page 22:

Q And were these swabs taken from what has been identified as the rental car, the one that was rented on the weekend beginning March 25, 1985, turned back in March 31, 1985?
A Yes, sir, that's correct.
(SWABS MARKED AS COMMONWEALTH'S EXHIBIT 288 - 291.)
Q And through that procedure, the luminol procedure was followed?
A Yes, sir.

5

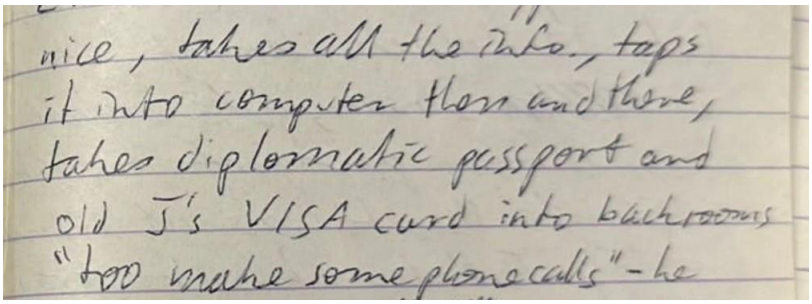
Diplomatic immunity
Pages 136 to 146 of the Wright Report

In this section, Wright claims that diplomats' dependents are never protected by immunity and that Soering did not possess a diplomatic passport. Both of these claims are false, and it is hard to believe that Wright did not know that his claims are false.

Just four months before Wright's report was published, the Harry Dunn/Anne Sacoolas case preoccupied the British public like few scandals before or since. The wife of a U.S. diplomat, Anne Sacoolas, killed a British teenager, Harry Dunn, in a traffic accident. Although her husband, not Anne Sacoolas herself, had diplomatic status, she was granted diplomatic immunity. She left Britain and returned to the United States.

This led to months of protests and demonstrations outside the U.S. Embassy in London. The case became an unprecedented affair of state, straining U.S.-British relations dramatically. Then-U.S. President Donald Trump and then-UK Prime Minister Boris Johnson were forced to deal with the case personally to appease the public and the media. That Wright was unaware of any of this is highly unlikely.

As for Soering's diplomatic passport, his and Haysom's diary confirms that he possessed such a passport. From the travel diary:


nice, takes all the info., taps
it into computer then and there,
takes diplomatic passport and
old J's VISA card into backroom
"too make some phone calls" - he

Wright testified at Soering's trial that he read this diary very carefully and took it as an opportunity to contact Ricky. He even read from this diary in court. Why does he not let his readers know that this diary confirms the existence of the diplomatic passport?

6

Access to an attorney during questioning
Pages 146 to 170 of the Wright Report

On pages 146 through 170, Wright addresses an issue that — unlike DNA, serology, sock prints, luminol tests, and diplomatic immunity — falls within his professional expertise and personal knowledge: whether Soering's right to counsel was violated during the questioning of June 5 to 8, 1986. Wright was personally present during all four days; as a police officer, he was trained in this area.

On page 163, Wright claims that Soering never asked for his lawyer. But at 4:30 p.m. on June 5, Soering was nevertheless permitted to speak on the telephone with his British lawyer, Keith Barker, according to Wright.

Both statements are demonstrably false.

The transcript of just one interrogation — that of June 6 — shows that Soering wanted to speak to his lawyer seven times. (Interrogation transcript, pages 4, 13, 18, 23, 30 to 31, 32, and 37)

Ricky's own words show that he clearly understood that Soering wanted an attorney. From the interrogation transcript of June 6, 1986, page 18:

Soering: I think that is something I will discuss obviously once I have an attorney present and I know in which country this is going to be tried. All right?

Gardner: Okay. Fair enough.

Soering repeated this request so many times that Wright's supervisor, Kenneth Beever, promised Soering that he would get his lawyer for him. From the interrogation transcript of June 6, 1986, page 37 (see also 32–33 and 34):

Beever: I think that I should go downstairs and we'll get that attorney.

Soering: All right.

Gardner: Very good. Thank you. End of interview with Jens

Shortly after that, the lawyer arrived at the station, but he was not allowed to speak with Soering. From the trial transcript of March 3, 1990, pages 134 and 135 (see also 119 and 130):

Q When Mr. Barker was in the station at 3:57 with Ms. Knebone --

A Yes, sir.

Q -- you didn't inform Mr. Barker that Mr.

Soering wanted to consult a solicitor, did you?

A No, sir.

Q You didn't inform Mr. Soering that Mr. Barker was in the station, did you?

A No, sir.

As for the alleged telephone conversation between Soering and his lawyer Barker, Ricky testified in court that Soering was *not* allowed to speak to Barker on the phone. From the trial transcript of March 1, 1990, page 22:

Q Well, at any time between 3:25 and 5:28 in the afternoon of the 5th of June, did my client talk to his solicitor?

A No, sir.

Beever testified that he himself — not Soering —spoke to Barker on the phone at 4:30. From the trial transcript of March 3, 1990, page 154:

Q Did you speak to Keith Barker at 4:30 p.m.?

A Yes, sir, I did.

Q On the 5th of June?

A Yes, sir, I did.

Q During the middle of Mr. Soering's interview?

A Yes, sir, I did.

Wright was in the room on June 5 when his supervisor (not Soering) was on the phone with the lawyer. Why he made obvious false statements about these points in his report is difficult to understand.

7

“Pleading guilty to something you didn't do”
Pages 171 to 199 of the Wright Report

As noted in my report, Wright’s supervisor, Kenneth Beever, asked Soering on June 7, 1986, if he would consider pleading guilty to something he did not do. Soering replied that he could and that he believed something like that happened in real life.

In his report, Wright claims that Soering did not mean the murders but the mutilation of the corpses.

To support this claim, Wright gives a long quote on the subject of mutilation: pages 173–175 of the report. Immediately following is the quote on the question of whether Soering would plead guilty to something he did not do: pages 175–176 of the report. For readers of the report, this gives the impression that there is a connection between the quotes.

But the opposite is true. The long quote about mutilation is on pages 4–6 of the transcript of the interrogation, and the quote about “pleading guilty to something you didn't do” is on page 25. There are 21 pages between them, so there is no connection at all. Here, Wright manipulates his readers by creating the impression that the two passages belong together.

8

Soering confessed to the crime on June 5, 1986
Pages 183 to 184 of the Wright Report

As noted in my report, this assertion is false. The transcript of the June 5, 1986 interrogation does not contain a confession of having committed murder. Each time investigators press Soering for a confession, he evades the issue. (Interrogation transcript, pages 13, 23, 24 and 32)

9

Alibi
Pages 200 to 291 of the Wright Report

In this section, Wright himself admits twice that the documents (movie tickets, etc.) cannot prove whether it was Soering or Haysom who remained in Washington, D.C.: "The documentary evidence available in support of the alibi does not determine with certainty which one of them is now telling the truth or which one is not." (Wright report, page 235, see also page 256)

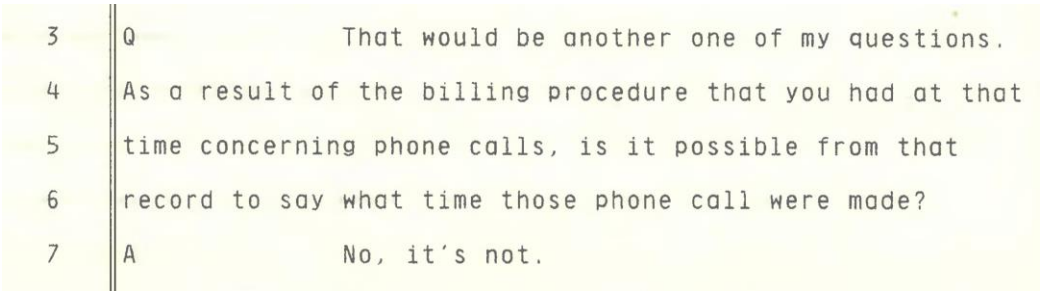
Yet Wright then goes on to speculate over 91 pages as to what the documents might mean. This is a waste of time. For every speculation in one direction, a speculation in the other direction is just as possible.

Some of Wright's statements are demonstrably false. For example, he claims five times — on pages 201, 230, 242, 244, and 257 of his report — that Haysom gave photocopies of the movie tickets to her attorney, John C. Lowe, as early as April 1985. However, Haysom herself testified at Soering's trial that Lowe did *not* possess the movie tickets. (Trial transcript, June 14, 1990, page 40; June 14, pages 8–9; compare to June 15, 1990, pages 36–37).

Other statements by Wright are only part of the truth. For example, he claims that Soering participated in the making of an alibi timeline. But Wright does not tell his readers that Soering denies this — and that Haysom's friend and college roommate, Christine Kim, testified that she could not remember whether Soering had participated or not. (Trial transcript, June 15, pages 33–34)

Still, other statements of Wright are based on false premises. For instance, he spends much time speculating about the time of certain telephone calls made from Soering's and Haysom's hotel room. But the manager of the Marriott hotel, Yale Feldman, testified at Soering's trial that the time of the telephone calls was not noted anywhere — so obviously, no conclusions can be drawn from them. Wright attended Soering's trial, so he must have been aware of Feldman's testimony.

From the trial transcript of June 6, 1990, page 140:



Q That would be another one of my questions. As a result of the billing procedure that you had at that time concerning phone calls, is it possible from that record to say what time those phone call were made?

A No, it's not.

10

Hotel video camera
Pages 212 to 213 of the Wright Report

In his confession, Soering said that there must be a recording from the video camera in the parking garage of the hotel showing him in bloody clothes after returning from the murder. No such video recording exists. Wright interprets Soering's testimony as if it must be the ultimate proof of his guilt.

In contrast to Wright, Ricky — who was actually assigned to the case — considered the alleged video camera recording to be unimportant. After Soering gave his confession, Ricky made no attempt whatsoever to secure a possible recording. (Trial transcript, June 7, 1990, pages 189–190)

If the video camera were really the final, absolute proof of Soering's guilt, would Ricky not have moved heaven and earth to secure the videotape? And why doesn't Wright let his readers know that Ricky thought nothing of the recording?

Wright apparently forgets that these murders happened in 1985 — i.e., decades before digital video camera recordings were introduced. In the mid-1980s, video could only be recorded in analog with VHS tapes. This was very cumbersome and expensive, so it only happened in rare cases: bank vaults or larger jewelry stores, for example.

Both Soering and Ricky experienced these events in 1985 and 1986. All they knew was VHS technology, so they knew there could not be a recording from the video camera in the hotel parking garage. As a result, Soering was able to tell a story about video cameras without any risk that there was an actual recording. And Ricky knew that the video camera was useless in solving the crime.

<u>Telling details</u>

Soering's confession contains several such "telling details": a detail that creates the appearance of truthfulness because it's just too good *not* to be true. Soering claims he incorporated three of these details into his false confession: the dead dog, the song "Psychokiller," and the video camera. None of them were true, he claims — and there is no *independent* evidence supporting their existence.

Haysom also incorporated "telling details" into her testimony: for example, that Soering was covered from head to toe in blood when she opened the car door on an open street in Washington, D.C. And that he ordered her to clean the rental car with Coca-Cola while he showered and went to sleep. In her diary entries on the run, Haysom wrote of "white slave transfer points," laser brain surgeries and contacts with IRA terrorists. None of this was true, either.

Soering and Haysom considered themselves artists and writers, and their letters contain long passages on this subject. Experienced investigators would have recognized that the two suspects displayed a great deal of imagination, to put it politely.

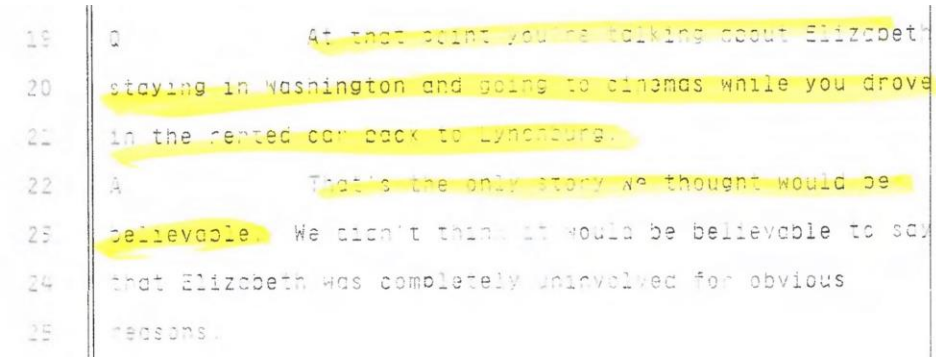
11

Soering did not really protect Haysom with his false confession
Page 223 of the Wright Report

Here Wright's report suggests that he has come up with a revolutionary new accusation against Soering that is impossible to refute. But that is not the case at all. At Soering's trial, the prosecutor questioned Soering on this specific point at great length. Soering gave an explanation that one can choose to believe or disbelieve — but he did give an answer. In his report, however, Wright fails to tell his readers what that answer is, leaving the false impression that Soering has no answer.

What Soering told the jury at trial is that he wanted to protect Haysom from execution, but he saw no way to save her from imprisonment. He thought the police would never believe that he killed her parents without her prior involvement, so he had to tell investigators that she created an alibi. That is why, during the interrogation on June 5, 1986, he focused on convincing investigators that Haysom had been at the movies in Washington, D.C.

From the trial transcript of June 18, 1990, page 216; see also pages 223–224:


Q At that point you're talking about Elizabeth staying in Washington and going to cinemas while you drove in the rented car back to Lynchburg.
A That's the only story we thought would be believable. We didn't think it would be believable to say that Elizabeth was completely uninvolved for obvious reasons.

Again, one can choose to believe that explanation or not. But Soering does have an explanation. Why does Wright falsely suggest that Soering has none?

12

Fingerprints on the coffee cup
Pages 264 to 291 of the Wright Report

As noted in my report, Haysom testified in court that the specific diary entry with the fingerprints on the coffee cup was a lie meant to deceive Soering. (Trial transcript, June 14, 1990, page 163)

It is hard to believe that Wright did not know about Haysom's testimony about the October 12 diary entry regarding the coffee cup since it was given in open court. Why did he include this obviously false accusation in his report?

13

Errors in Soering's confession
Pages 292 to 309 of the Wright Report

This section begins with a demonstrably false statement. On page 292 of his report, Wright claims it was an outright lie by Soering that Haysom testified in court that the murder weapon was a bloody steak knife. In fact, Haysom gave exactly this testimony during Soering's trial. From the trial transcript of June 13, 1990, page 186:

3	Q	He said that he attacked your mother with
4	steak knife?	
5	A	Yes.

It is difficult to understand why Wright keeps making claims like this — claims that can be easily debunked as false with the help of the trial transcript.

As noted in my report, there were definitely errors in Soering's confession. Everyone can form his or her own opinion on their significance:

- Why were four blood types found at the crime scene when — according to the confession — only three people were present?
- Could Soering really have mistaken jeans for a flowery robe?
- Could Soering really have forgotten that he took a shower at the crime scene?
- How could he arrive in Washington, D.C., covered in blood, even though the perpetrator (or perpetrator) had showered at the crime scene?
- Why would Soering claim that he had bled heavily in the rental car when the luminol test proved that this was not true?

14

Soering's injuries / Donald Harrington
Pages 323 to 328 of the Wright Report

I covered this subject in detail **in my report**.

As an investigator, Wright should have realized that Donald Harrington's testimony in court could not be true. Law enforcement officers document every witness statement immediately — that's one of the basic duties of our profession. But there is no witness report for Harrington.

Nor did his supposed observation during the funeral service lead to any reaction on Ricky's and my part. Think about it:

- If Harrington had reported that the boyfriend of the victims' daughter had injuries on his face and hands, would Ricky and I have really let *six months* pass before we finally questioned this boyfriend (Soering)?

- How can it be that only Harrington saw the wounds — but not the Sheriff's Department's observers, family members and other guests at the funeral service?

- How can it be that Ricky and I did not mention Harrington's observation about the wounds during Soering's questioning on October 6, 1985?

- How can it be that Ricky did not mention Harrington's observation about the wounds during the questioning of June 5 to 8, 1986? Wright was present. Does Ricky's silence on this subject not strike him (Wright) as strange?

Wright should have questioned all of this instead of accepting Harrington's testimony at face value.

15

Report by FBI Special Agent Stanley J. Lapekas
Pages 329 to 433 of the Wright Report

In these 132 pages, Wright criticizes the reports of several Virginian investigators who worked extensively on the case: David Watson, Chip Harding, and Richard Hudson.

I would like to point out that, unlike Wright, these three detectives investigated the case on the ground in Virginia for months:

- They visited the evidence room,
- they visited the court archives,
- they interviewed old and new witnesses and
- they talked to Soering himself.

Wright did none of this, yet he believes he has found the truth that his American colleagues failed to see.

Watson, Harding and Hudson all concluded that Soering would not have been convicted if the trial were held today. All three filed reports with the governor's office and publicly sided with Soering — a bold move for police officers, considering that Soering's case is one of the most controversial in Virginia history.

What I find really interesting is that Wright spends so much time on Watson, Harding and Hudson — but he never mentions FBI Special Agent Stanley J. Lapekas. The fact is that it was not *three* but *four* criminal investigators who worked extensively on the case.

Lapekas' report was publicly presented at a press conference on April 9, 2018, and posted online by the Albemarle County Sheriff's Office (then under Sheriff J.E. "Chip" Harding). This press conference received more attention than the three previous ones in 2017. Here is just one example:

https://www.wvtf.org/news/2018-04-11/retired-fbi-agent-says-soering-should-be-freed

Wright could hardly have missed this. Why is Wright concealing Lapekas' report?

16

Watson Report: FBI profile and Soering's letters
Pages 329 to 352 of the Wright Report

On page 347 of his report, Wright claims there was no FBI profile — even though, **as I showed in my report**, FBI Special Agent Stanley J. Lapekas' report, the FBI case file, newspaper articles at the time, and a letter from the prosecutor clearly prove that there *was* an FBI profile. See also the following section, "17 – Harding Report: FBI profile."

On pages 343 (see also pages 384–385), Wright writes that Soering's letters 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."

But Derek and Nancy Haysom were not murdered "a few weeks" later, as Wright claims; they were killed more than three months later. Here, Wright suggests a temporal connection that does not actually exist. This is the second time that Wright uses this trick: in the section of his report about the June 7, 1986, questioning, Wright places two text passages that are 21 pages apart right next to each other in order to suggest a connection that does not really exist.

Why does Wright manipulate his readers in this way?

17

Harding Report: FBI profile
Page 380 of the Wright Report

On page 380 of his report, Wright mentions that some notes written by FBI Special Agent Ed Sulzbach were found in my garage. But Wright does not let his readers know that these "notes" are actually copies of a letter from the prosecutor — i.e., a reliable source.

Another thing Wright fails to tell his readers is that, in addition to the prosecutor's letter, there is also the entire FBI case file. This includes Sheriff Carl Wells' request for a psychological profile, the FBI's own internal memoranda, newspaper clippings from April 1985 and other documents that prove the existence of the missing FBI profile.

I have included excerpts from all of these documents **in my report**.

The fact that Wright is unaware of all of this documentation proves that he was not involved in the murder investigation — or that he is intentionally misleading his readers.

Wright also seems to be unaware of FBI working procedures in the 1980s. I worked several homicides, and the FBI did not show up because their presence was not requested. The FBI *never* shows up at a crime scene uninvited — *only* when an official request is filed, which is what Sheriff Wells did. So it is just not possible that Ed Sulzbach came to the Haysom house and did *not* write a report.

Finally, Wright seems to be unaware that I do not even have a garage, as he claims. But it is true that I sometimes made photocopies of important case documents. This was the age before computers, so paperwork was all we had. But paperwork sometimes got lost, like the FBI profile — so I made photocopies as a backup.

If Ricky had done the same, maybe he would have remembered the FBI profile.

18

Harding Report: Mental illness
Pages 386–387 of the Wright Report

On pages 386–387, Wright makes the bizarre claims that Haysom did not suffer from borderline personality disorder and that Soering's mental illness was more severe than Haysom's. To support this, he quotes a single paragraph from the report of one of the two British psychiatrists who examined both Soering and Haysom in Britain in 1986.

But Wright takes the psychiatrist's paragraph completely out of context. On page 9 of the same report, the psychiatrist writes clearly that Soering was *not* suffering from organic disease, psychosis, or manic-depressive disorder. And in regard to Haysom, this psychiatrist writes of her "mental abnormality" and her "pathological lies." (Hamilton report, page 9)

In addition, Wright mentions the report of the second British psychiatrist and claims that Haysom is not mentioned in this report. But the report actually states, "There existed between Miss Haysom and Soering a 'folie a deux,' in which the most disturbed partner was Miss Haysom. … The degree of disturbance of Miss Haysom borders on the psychotic." (Bullard Report, pages 3 and 4)

On page 338, Wright mentions the American psychiatrist who examined Haysom in the United States. But Wright does not let his readers know what this psychiatrist said at Haysom's trial. He found Haysom to show "significant symptoms of a psychiatric dysfunction," that she suffered from "borderline personality disorder," that it was a "very clear demonstration of this diagnosis." (Trial transcript, October 6, 1987, pages 367–371)

Why is Wright making demonstrable false statements about the psychiatric evaluations?

From the trial transcript of October 6, 1987, page 367:

exculpatory sense, we were very struck by the presence of significant symptoms of psychiatric dysfunction.

After our thorough clinical workup, we identified a number of symptoms which meet the diagnostic criteria of the borderline personality disorder as it is described in the diagnostic and statistic manual of the American Psychiatric Association, which is the standard for meeting--that is used now for establishing psychiatric diagnosis.

19

Hudson Report: Room service and shoe print
Pages 393 through 418 of the Wright Report

On page 396 of his report, Wright attacks investigator Richard Hudson. Hudson had commented in his report that Haysom's testimony in court — that she ordered both alcohol and food through room service — did not match the room service bill. With heavy irony, Wright asks how Hudson could possibly know that: "Does Hudson have a 1985 price list from the Marriott Hotel?"

In fact, Hudson's comment refers to the trial transcript. Yale Feldman, the hotel manager, testified about room service prices and refuted Haysom's testimony. (Trial transcript, June 14, 1990, page 135; see June 13, 1990, page 182; compare June 6, 1990, pages 143 and 152.) I covered all of this **in detail in my report**.

Hudson's comments prove that he studied the trial transcript. Wright's remarks on Hudson's comments prove that he did *not* study the transcript — or that he is intentionally withholding information from his readers and misleading them.

But, accurate information about Yale Feldman's testimony at Soering's trial is not the only thing that Wright omits in this section.

The focus of Hudson's report is not on the hotel room service but on his discovery of a second shoe print at the scene that all investigators from 1985 to 2018 had overlooked. **As noted in my report**, this shoe print had a different tread wear pattern than the shoe print(s) previously known. Neither shoe print matched the shoes of the two victims, so they must have been left by the perpetrators.

This shoe print clearly proves that Soering's confession is untrue: Two different people in different sneakers walked through the blood at the crime scene. Why would Wright not want his readers to know that?

20

Concluding remarks
Pages 419 to 433 of the Wright report

As throughout his supposedly fact-based report, Wright makes so many false claims in this final section that it is impossible to correct them all. A prime example can be found on page 428. Here, Wright says that Soering claimed that forensic scientist Elmer Gist, Jr. had lied when he testified that there was no longer enough biological material to conduct DNA tests.

In fact, Gist had not said this, and Soering did not call this a lie.

As I showed in my report, Gist had twice claimed under oath that there was no biological material left to test *at all* because all samples had been "consumed during previous serological examinations."

It is *this* statement by Gist that Soering has at various times called a lie — because the samples supposedly no longer existed *did* exist. They were tested for DNA in 2009.

21

Locard's principle
Pages 46, 78 and 110 of the Wright Report

On these three pages, Wright refers to Locard's Principle, a central tenet of modern forensics: every contact leaves a trace. Strangely, Wright never applies this principle logically to the Haysom murder case.

According to his confession, Soering spent 30 to 45 minutes at the crime scene — yet he did not leave a single evidentiary trace. The state forensics lab excluded Soering as the source of the DNA, fingerprints, hair and shoe print LR2.

At Soering's trial, the prosecutor claimed the sock print "matches (Soering) and fits like a glove." But even Ricky has meanwhile admitted that the sock print is just a "pie does not really prove anything.

If every contact leaves a trace, why was not a single trace of Soering found at the scene? Wright does not provide an answer.

Appendix 2

Media manipulation

Since his return to Germany, Soering has been accused of manipulating the German media by exploiting the latent anti-Americanism of left-wing German journalists. But if that were true, then

- why has not a single German reporter come forward to confirm that he or she was, in fact, manipulated by Soering? Where are the witnesses to support the accusation against Soering?

- what can explain the following reports by Virginia Public Radio and the Washington Post? Were the journalists who produced these reports also anti-American, like their German counterparts?

  WVTF/RadioiQ - Virginia Public Radio

  Virginia's public radio is considered to be the Commonwealth's most objective, reliable news source. Here are 21 reports from the years between 2015 and 2019. For the years before that, one has to use the internal search at www.WVTF.org.

  https://www.wvtf.org/tags/Soering-Soering

  Washington Post

  - "In 1985, a gruesome double murder rocked Virginia. What if the wrong man was convicted?"

    https://www.washingtonpost.com/lifestyle/magazine/in-1985-a-gruesome-double-murder-rocked-virginia-was-the-wrong-man-convicted/2017/03/07/44c60742-e8b2-11e6-80c2-30e57e57e05d_story.html

  - "For a convicted double murderer long on famous supporters, basic detective work could be key"

    https://www.washingtonpost.com/local/virginia-politics/for-a-convicted-double-murderer-long-on-famous-supporters-basic-detective-work-could-be-key/2019/04/21/e910d1ca-5b05-11e9-842d-7d3ed7eb3957_story.html

Appendix 3

Expert opinions

Since Soering's return to Germany, a number of people have sought and found the aQen<on of journalists looking for experts on the Haysom/Soering case. Some of the people calling themselves experts have never been to Virginia and have no connec<on at all to the case. Here are the opinions of real experts.

J.E. "Chip" Harding

Albemarle County Sheriff

May 2, 2017

"I am convinced that Jens Soering would not be convicted if the trial were held today and that the evidence available today supports his claim of innocence."

Richard L. Hudson

Detective Sergeant, Charlottesville Police Department (ret.)

September 12, 2017

"I do not believe that Jens Soering could be convicted if he were to be tried today. I find it unlikely that he would be charged. The evidence appears to lead to a conclusion that Mr. Soering is innocent."

David C. Watson

Master Detective, Prince William County Police Department (ret.)

September 10, 2012

"The evidence does not support Jens Soering's conviction and the finding of 'guilty.' I consider it more likely that Elizabeth Haysom perpetrated this crime rather than Soering. However, this is only a 'hunch.'"

Stanley J. Lapekas

FBI Special Agent (ret.)

April 2, 2018

"It is highly unlikely the jury would find Soering guilty of physically committing the murders if tried today. The evidence appears to support a case for his innocence, except for being an accessory after the fact, a misdemeanor in 1985."

"It would appear that (Ricky) Gardner has been less than truthful and/or was kept in the dark regarding the existence of the profile."

Dr. Andrew T. Griffiths

Detective Superintendent, Head of Intelligence and Crime Operations, Sussex (UK) Police (ret.)

July 29, 2016

"(I)n the case of Jens Soering, there are certainly significant doubts about the confession he made in relation to his description of the murders of Mr. and Mrs. Haysom, when considered against other case information and the circumstances of his interrogation."

October 20, 2017

"Mr. Soering would not be convicted if the trial were held today."

Dr. Moses S. Schanfield

Chair, Department of Forensic Sciences and Anthropology, George Washington University

May 1 and September 14, 2017

"BODE laboratory and the Department of Forensic Science have excluded Jens Soering as a contributor of blood found at the crime scene."

"At least one or more male contributors other than Mr. Soering were at the crime scene."

"There is simply no indication that either a mixture or contamination from another source compromised the DNA certificate."

Dr. J. Thomas McClintock

Director, Forensic Science Program, Department of Biology, Liberty University

September 28, 2017

"Does Jens Soering's DNA profile match any of those (at the crime scene)? They absolutely do not. The blood came from at least one male contributor who doesn't match (Soering) Soering or Derek Haysom's genetic makeup."

August 21, 2017

"The items described above are samples containing a single contributor and are NOT consistent with being a mixture."

Gail Starling Marshall

Deputy Attorney General (ret.)

October 23, 2017

"There has been only one other time in my forty-nine-plus years of practicing law that I have reached the conclusion to a moral certainty that someone convicted of crime was, in fact, innocent. Jens Soering was the second such instance."

"It is beyond dispute that if the trial were held today, no conviction would be obtained."

Mary Kelly Tate

Professor, University of Richmond School of Law
Founder and Director, Institute for Actual Innocence
18 years, from 2005 to the present (2023)

October 27, 2017

"Jens Soering was not involved in the actual commission of the crime, nor was he present at the crime scene. He would not be convicted if the trial were held today."

Irwin Cotler

Minister of Justice and Attorney General of Canada, 2003 to 2006
Founder, Raoul Wallenberg Centre for Human Rights 2015

September 20, 2019

“Having examined the whole record, Mr. Soering’s case stands out as one of the most unjust cases of wrongful conviction that I have ever encountered.”

“There is no forensic evidence of any kind that connects Jens Soering to the crime scene. All four categories of forensic evidence below exclude him — blood (DNA), fingerprints, shoeprints, Caucasian hair — and were left by others.”

<u>Myself</u>

Bedford County Sheriff’s Department Investigator (ret.) — original senior investigator on the case

October 19, 2017

“Jens Soering did not kill Derek and Nancy Haysom and was not present when the crime occurred. ... He would not be convicted if the trial were held today.”