

Date: 12/31/15
from: Jens Soering
To: xxxxxxxxxxxxxxxx
Re: false confession

M E M O R A N D U M

BACKGROUND

On June 21, 1990, a Bedford County, Virginia, jury convicted me of two counts of first-degree murder for the knife-killing of Derek and Nancy Haysom. They were the parents of my then-girlfriend, Elizabeth Haysom, the victims' daughter. I was sentenced to two terms of life imprisonment, to be served consecutively.

My Virginia Department of Corrections sentence start date is January 1, 1987 -- at which time I was incarcerated in London, England, fighting extradition on death penalty charges -- so I have been incarcerated on these charges for 29 years. I have been eligible for parole since 2003 and have not incurred a single disciplinary infraction ("charge") in my entire sentence.

The evidence at my trial consisted primarily of:

1. My (false) confession of June 8, 1986, given in London, England, under circumstances discussed below.
2. The testimony of my co-defendant Elizabeth Haysom. In 1987 she pled guilty to two counts of first-degree murder "as an accessory before the fact," for (supposedly) instigating the murders and providing an alibi. She was sentenced to 90 years and became eligible for parole in 1995. The Commonwealth's Attorney (prosecutor) in both cases told the parole board that she was essential to his prosecution of me -- that she had laid out the case for him. Nevertheless, the board has denied her parole every time. Her mandatory release date is 2032, when she will be 68 years old.
3. A bloody sockprint at the crime scene which appeared to have been left by me. The sockprint evidence has since been thoroughly discredited, but it made a big impression on the jury. When they started deliberations, the jurors were split six-six. They only decided to convict when they looked closely at an "overlay" of the sockprint. Meanwhile, even the lead investigator on the case, Ricky Gardner, concedes that this "forensic" evidence was very weak.
4. Two tiny drops of type O blood -- too small to be subtyped or DNA-tested (though an attempt was made in 2009). I am type O -- but so are 43% of the population. At the scene, police found all four blood types: A and AB (the victims'), O and B (Elizabeth's type). Again, however, neither subtyping nor DNA-testing was possible; 10% of the population have type B blood.

Most legal experts and even the original lead investigator on the case, Chuck Reid, believe that I would not have been convicted BUT for my (false) confession.

(FALSE) CONFESSION

Elizabeth Haysom and I went on the run in 1985 and were arrested in London, England, on check fraud charges on April 30, 1986. From June 5 to 8, 1986, I was interrogated about the Virginia murders by Bedford County investigator Ricky Gardner and two English officers, Beever and Wright. (Chuck Reid, who had been the lead investigator in 1985, had left the Sheriff's Department by 1986.) I was 19 years old at the time these interrogations were conducted; my DOB is 8/1/66. All interrogations were conducted without counsel.

At a pre-trial hearing in March 1990, the defense was able to produce the English police station's logbook. Next to my name was a notation that I was "to be held incommunicado."

The first three interrogations on June 5 were very short, because I clearly asked for a lawyer, as confirmed by the English officers' handwritten notes.

After the third interrogation, Detective Sergeant Beever came to my holding cell and threatened to hurt Elizabeth if I did not drop my demand for a lawyer. Beever has always denied this.

Please note: Years later, in the late 1980s/early 1990s, a series of wrongful convictions were uncovered in England: the Guildford Four, the Birmingham Six, the Maguire Seven and others. It was proven that, during the 1970s and 1980s, the English police routinely coerced confessions with violence and threats of violence. Subsequently, English police interrogation training was completely changed/revamped, now using an "open-ended" questioning technique. But all this came long after my interrogations in 1986.

After Beever's threat, I somehow persuaded the desk officer to let me phone the embassy -- but there was no one there but a clueless duty officer. So I caved and agreed to talk without a lawyer.

The fourth session, at 8:05 p.m. on June 5, lasted much longer than the first three. It was tape-recorded. However, I still did not confess to much of anything -- certainly not murder.

On June 6 and 7, there were two further long tape-recorded interrogations. In both sessions, I asked for a lawyer repeatedly -- but later U.S. appellate courts decided I didn't ask clearly enough, and I kept on talking after making my requests.

In these sessions, I didn't confess to anything at all. The sixth (June 7) session consists almost entirely of my asking the police for legal advice.

The sixth (June 7) session contains a significant passage: Beever asks me if I would consider pleading guilty to something I didn't do. And then I say three times, in three different ways, that I WOULD consider doing that! Beever tries to interrupt me and change the subject, but I keep affirming that "I can see, I can see it happening, yes."

The next day -- Sunday, June 8 -- was the fourth and final day of the four-day interrogation period granted by the English judge on June 5. On this day, I gave a (false) confession -- twice, first to Gardner alone, then to all three officers (adding some details on the second go-round). These two sessions, the seventh and eighth, were not tape-recorded; there are only Gardner's notes.

On the "Trial" page of my website, you will find the full text of Gardner's notes of both sessions, as well as an excerpt of the June 7 session where I insist that I would plead guilty to something I didn't do.

There are several significant discrepancies between my (false) confession and the crime scene. Perhaps the most important is a bloody sneaker print which was not left by either victim and is too small to have been left by me. Yet I claimed to have committed the crime alone.

Later that night (June 8, 1986), the police interrogated Elizabeth Haysom for the first time during the entire June 5 to 8 interrogation period. They told her I had confessed, and after some back-and-forth, she said, "I did it myself. ... I got off on it." Then she dismissed that remark as a "facetious" joke and confirmed that I had committed the crime.

It is important to note that during my trial, Ricky Gardner re-enacted my confession in front of the jury with a female court reporter. The producers of the movie, "The Promise", have video recordings of my entire 3-week trial, including this crucial re-enactment of what I had told the police four years earlier in London. This was probably the most dramatic day of the trial.

THE TRUTH / "MY VERSION"

On March 30, 1985, Elizabeth Haysom killed her parents, probably (but not certainly) with another person who was not me.

I don't know what specifically triggered the event, but the underlying cause was that Nancy Haysom had sexually molested her daughter, with the consent and tacit cooperation of Derek Haysom. There is photographic, witness and expert psychiatric evidence supporting this -- though at Elizabeth's 1987 sentencing hearing, everyone (including Elizabeth herself!) denied it. In the meantime, though, most everyone agrees that it did happen; in 2013, during a public radio interview, even Ricky Gardner confirmed it.

In 1986 and 1987, Elizabeth Haysom was diagnosed with borderline personality disorder by three different psychiatrists. She was also diagnosed as a pathological liar. Two psychiatrists diagnosed me with "folie à deux," also known as "shared psychotic disorder" -- a polite way of saying that I got sucked into Elizabeth's pathology.

After committing the crime, Elizabeth Haysom returned to me in the early morning hours of March 31, 1985, and asked me to save her from execution in the electric chair by providing her with an alibi. I told her that this would not work, since no one would believe the alibi testimony of a boyfriend. Instead, I told her that I would "take the rap" for her -- I would tell the police that I

did it. I based this "plan" on Sydney Carton in Charles Dickens' "A Tale of Two Cities." He too sacrificed himself for the woman he loved.

Unlike Sidney Carton, I did not expect an unduly harsh punishment. My father was a German diplomat, so I believed I was covered by a form of limited or partial diplomatic immunity. I expected to be deported to Germany for trial and sentenced to no more than ten years in a (youth) prison. At the time of the crime, I was only 18 years old.

More than fifteen months after the night of the crime (on March 30/31, 1985), I found myself in a London police station (on June 8, 1986). For three-and-a-half days, I had hoped the police would let me see my lawyer, to confirm that I indeed had partial/limited diplomatic immunity. Now only HALF a day remained for me to keep my promise to Elizabeth, to save her life by "taking the rap" for her; the next day, June 9, the four-day interrogation period would end. So I decided to keep my promise.

CAVEATS

I have read a great deal about the phenomenon of false confessions, so I know that my case bears many of the hallmarks of "typical" false confessions. However, there are also some differences, which I feel I ought to point out.

1. Unlike "typical" suspects making false confessions, I have an unusually high I.Q. In 1984/1985, as a freshman at the University of Virginia, I was both an honors student and a full academic scholarship recipient.

However, I had also grown up unusually sheltered. From 1977 to 1984, I had attended a very conservative Episcopalian private high school and was a virgin when I met Elizabeth. (She was, incidentally, more than two years older than me.) Until I met her, I had had absolutely no contact with the criminal justice system (or, for that matter, with any kind of violence, sexual abuse or mental illness).

2. Unlike "typical" suspects who are bullied into making a false confession against their wills, I WANTED to make a false confession -- as part of a plan to save Elizabeth from the electric chair. I only held back for three-and-a-half days because I wanted to confirm that I had partial/limited diplomatic immunity.

However, I WAS bullied and intimidated into signing waiver forms and speaking without my attorney. My will was definitely worn down over three-and-a-half days of isolation ("to be kept incommunicado").

3. After I gave my (false) confession on June 8, 1986, I was charged with capital murder, which carries the death penalty in Virginia. Then I found out that I had absolutely no diplomatic immunity at all -- because my father happened to be on the consular staff, not the diplomatic staff, in 1985 and 1986. (He was on the diplomatic staff both before and after, at various times in

his career. Inside the Foreign Service, NO ONE makes any distinction between consular and diplomatic duties.)

The German government then attempted to have me extradited to Germany, to try me there for the Virginian homicides -- because in Germany, there is no death penalty. In order to file an extradition request to the English government, however, the German government needed to produce SOME evidence to charge me in a German court.

So the German government and my German lawyers decided that I had to "confess" all over again, to provide the necessary evidence (a confession) to charge me in a German court and thus to support an extradition request. In December 1986, a German prosecutor and my German attorney visited me in my English prison ... and I "confessed" again. The details of this confession differ from my confession(s) of June 8, 1986, but it was similar enough for the Commonwealth's Attorney to use it at my trial in 1990.

My German lawyer from December 1986 still represents me today, and he can confirm all of this. So can my habeas attorney, Gail Starling Marshall, a former Deputy Attorney General of Virginia.

DOCUMENTATION

I would like to recommend that you read three investigative articles about my case, to give you an objective overview:

- “**Trial and Error,**” by Ian Zack, The Daily Progress, Charlottesville, Virginia, January 21, 1996
http://www.jenssoering.com/trial_error
- “**No hope for Jens Soering,**” by Bill Sizemore, The Virginian-Pilot, February 18, 2007
http://www.jenssoering.com/no_hope
- **Sandy Hausman Series,** by WVTF Public Radio, October / November 2013
http://www.jenssoering.com/sandy_hausman_series

I probably cannot stop you from reading the awful article in The New Yorker of November 9, 2015, so here is my response to that:

http://q.b5z.net/i/u/7000525/f/NY/Jens_letter_to_David_Remnick_-_The_New_Yorker_-Nov_9_2015_rev_TBE_rev_end_with_Xscript_chg_added_Nov_24.pdf

Next, you should probably read the actual text of my (false) confession and also the various sock print forensic reports. These are found on the "Trial" page of my website (see information → trial):

<http://www.jenssoering.com/information>

Finally, you will probably want to read the three habeas corpus briefs from the late 1990s by my lawyer and the A.G.'s office. As you can imagine, the admissibility of my statements of June 5 to 8, 1986, is a MAJOR issue in these briefs:

File 1:

http://j.b5z.net/i/u/2108258/f/Private/VI_a_Briefs_to_US_court_of_Appeals_Gail_Marshall_1999.pdf

File 2:

http://j.b5z.net/i/u/2108258/f/Private/VI_b_Briefs_to_US_court_of_Appeals_McCllees_1999.pdf

File 3:

http://j.b5z.net/i/u/2108258/f/Private/VI_c_Briefs_to_US_court_of_Appeals_Gail_Marshall_1999.pdf

On my website, under "TV-reports," you can also find a two-hour unedited interview with me by Noreen Turyn of WSET, in which I tell my story in great detail. I imagine that might be of some use to you.

After that, we probably need to talk.

Thanking you very much for your time and consideration, I remain

Sincerely Yours,

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