

IN VIRGINIA:

IN RE:

COMMONWEALTH OF VIRGINIA,

Plaintiff,

vs.

JENS SOERING,

Defendant.

ORIGINAL

STATEMENT UNDER OATH

OF

TONY M BUCHANAN

March 10, 2011
Madison Heights, Virginia

* * * *

EVANS & COMPANY
Court Reporters
Post Office Box 11822
Lynchburg, Virginia 24506
(434) 239-2552

Reported by: SHELLY M TYREE

Evans & Company Court Reporters

Statement on oral examination of TONY M
BUCHANAN, taken by and before Shelly M Tyree, a Notary
Public in and for the Commonwealth of Virginia, pursuant
to the Rules of the Supreme Court of Virginia;
commencing at 2:00 p.m., in the home of Tony M
Buchanan,

Appearances:

GAIL A. BALL ESQ
-- For The Supreme Court of the U.S.

Also Present:

DEBORAH LESEBERG, Ball Legal Firm, P.C.
-- Assistant and Videographer

1 TONY M BUCHANAN, was called as a witness,
2 and after being duly sworn, was examined and testified
3 as follows:

4

5

EXAMINATION

6

BY MS. BALL:

7

Q. Mr. Buchanan, we're here today to record your
8 statement relating to the matter of Commonwealth of
9 Virginia versus Jens Soering.

10

Please state your full name and address.

11

12

13

14

15

Tell me now, please: What is your
background of work and that sort of thing?

16

17

18

19

20

21

A. Well, I've been in the military for nine years.
I went in the military when I was 16. And I was in the
Coast Guard until 1958, which I went into the army at
the age of 17, when I was in the Coast Guard when I was
16 up until I went in the army. I went in the army in
1958.

22

23

24

25

Okay. I went in the 101st Airborne
Division; I was in that until 1964, at which time I went
to Germany and was in the 509th Airborne in Germany.
And I volunteered from Germany to go to Vietnam, which I

1 served in Vietnam with the 52nd Ranger Battalion.

2 And after we got out of the service
3 shortly worked for my brother. Then I opened ACS
4 Transmission which was incorporated in 1963. And I run
5 that business up until -- myself, I was running
6 everything up until 2000. Then in 2000 I was shortly
7 disabled a little bit, so my wife was running it until
8 nineteen --

9 Q. Two-thousand-and --

10 A. Well, anyway, we ain't got there yet. She ran it
11 up to 2000, and I -- she took over until 2003, which she
12 retired. And then in -- I put into retirement; I didn't
13 get my retirement until later in 2004, which I had a
14 stroke. And then in 2005 we dissolved the business,
15 April of 2005.

16 Q. Thank you, sir. Now, did there come a time
17 during the time you owned or operated the transmission
18 shop when an automobile was towed into your shop and
19 contained some irregular substance?

20 A. Yes, it did.

21 Q. Could you describe the car to the best of your
22 ability as to the condition?

23 A. Well, I would like to do my story.

24 Q. Okay. Sure.

25 A. All right. In 2005 -- I mean, excuse, me in 1985

1 there was a car towed to my shop. It was towed in by
2 Bubble's Towing. Now, the car was left there. I didn't
3 know exactly who the car come from.

4 I discussed with Bubble, and he said he
5 had towed the car from somewhere out in the woods
6 or whatever. And the car, at that time I was trying to
7 find out who owned the car so I could talk to them; and
8 he said it belonged to some college kids.

9 Okay. At that time I really hadn't
10 talked to the people or anything yet. And then at that
11 time one of my mechanics told me to come, look at the
12 car. I went and looked at the car.

13 And then the driver's floorboard, it was
14 full of dried blood, and there was blood all over the
15 floorboard. And there was a knife laying between the
16 seat in the console, in the console down on the bottom.

17 Okay. At that time I was really curious
18 about it. The employees was asking what did I think
19 about all that; and I said it was probably some deer
20 hunter up there done shot a deer or something out of
21 season and that -- either that or they was up there
22 growing marijuana. And at that time we didn't think any
23 more about it.

24 Okay. At that time was that -- the
25 Soering's case or the Elizabeth case, where her family

1 was supposed to have been killed. I wasn't following --
2 I didn't follow the case; I wasn't following the case at
3 that time til -- at that time all I was thinking about
4 was what we had seen in the car.

5 All right. What led then was is that
6 when they come to pick the car up, somewhere along the
7 line -- let me explain first how we go about the
8 business.

9 The way the business work is a person
10 brought the car, we found out how much it was going to
11 run, call the customer, give us the okay, we would
12 finish the work, they would come, either pay cash or pay
13 with a credit card. And when they came in the shop it
14 was always, like, a 15-minute deal; it wasn't just come
15 in -- it wasn't nothing out of -- different.

16 But the difference on this was, when
17 they come to pick the car up, the lady came and the
18 gentleman came with her to pick the car up, she paid
19 with a credit card. We called it in like we usually do,
20 and at that time they refused, declined payment.

21 When they denied payment I turn to the
22 card and found out on the back of the card there was a
23 phone number to call. We called the bank, which in my
24 recollection was Tampa, Florida.

25 All right. At that time talked to the

1 bank; they said that they had stopped payment on that
2 card and to -- so the person which I'm going to call
3 Elizabeth later got on the phone, talked to them, and
4 she said that she was going to call somebody in Florida,
5 a relative or somebody -- now, she didn't say relative,
6 she said somebody in Florida.

7 And so she called whoever it was, she
8 talked to them on my phone. And then about 30 minutes
9 later called the bank back, and the bank said it was all
10 right, to go ahead and run it. So we ran the card, and
11 it was okay, got the money. All right. They left. And
12 at that time that was -- as far as -- I was satisfied
13 and everything, until later.

14 Okay. Later --

15 Q. Can I ask you a question?

16 A. Yes.

17 Q. At that time when they were in there, did she
18 give any indication who owned the car, or did you ever
19 get an impression --

20 A. Well -- all right. Well, she was there. My
21 impression was it belonged to the gentleman that was
22 with her, which that gentleman was a slender-built
23 fellow, and he was taller than I am. I'm five foot,
24 eight, so he was taller than I was. And he had a
25 highlight on his hair, come on his hair. And from my

1 indication the car belonged to him and she was paying
2 for it.

3 So after that it was -- timewise, I
4 can't actually say timewise, but my recollection was
5 probably a month after that or so that the -- was
6 reading the paper, it was a picture in the paper, and
7 this picture was probably a two-inch or -- by four-inch
8 or four inches by four-inch picture, and the picture was
9 of Elizabeth -- whatever her last name --

10 Q. Haysom?

11 A. Haysom

12 Q. Um-hum

13 A. And I told the people in the shop: That's the
14 girl that was in here on that car we was questioning
15 about the blood and the knife in it. And so then it
16 really brought my interest up. So I was thinking about
17 it after that.

18 And so then I was starting to follow
19 that case a little bit. And that's when Elizabeth and
20 whoever at the time left the United States or they
21 didn't know where they was at. So at that time I forgot
22 about it. I just let it slide. I didn't think any more
23 about it until they was caught in England or someplace
24 over there, England I believe it was, and they was
25 talking about them back to the United States.

1 So at that time, it was about a year
2 after they had left or somewhere -- it was a good time
3 between the time that I seen her picture in the paper
4 and the time they went to Germany (sic) and came back --
5 or was going to be extradited back. So at that time is
6 when I started thinking and looking for stuff.

7 So I looked, tried to find the Work
8 Order and the card where they had it paid for, and I
9 couldn't find anything there. So I just figured, well,
10 they had the people that was guilty, and I still wasn't
11 following the case then because I figured they had who
12 was guilty on all that.

13 So then I didn't really pay much
14 attention what the -- if she was convicted or whatever.
15 But then Soering was brought back. And so at the --
16 after the trial was going on then, when I seen his first
17 picture, when I seen his first picture, I said, well,
18 that's not Soering; I mean, that ain't the guy that was
19 here picking that car up. So then it got me in another
20 frame of mind.

21 So as soon as I noticed in the paper
22 that a Gail, somebody from up north --

23 Q. Gail Marshall?

24 A. -- was her -- was his --

25 Q. One of his lawyers in a Habeas?

1 A. Yeah, and they was suppose to be appealing the
2 case.

3 Q. Right.

4 A. So that's the first time that I tried to make
5 contact with the law enforcements and the court. So I
6 called her.

7 Q. You called her first?

8 A. Yes. I called her, give her what -- the
9 information basically about what I've been saying here.
10 And I told her at the time to make sure that both of us
11 are -- I was right and whatever.

12 And the way she could find out would be
13 to take it and check the credit cards on her and see if
14 there was a charge made to ACS Transmission for that
15 money transaction and if somebody in Florida was her
16 relative, because that's where she called to get the
17 information to get the credit card.

18 Now, the reason -- if it hadn't been for
19 the blood and stuff like that I wouldn't have -- in the
20 car I wouldn't have really kept thinking about the car,
21 but at that time I knew the car -- everything was kind
22 of fresh in my mind; it had been about a year, but it
23 was kind of fresh.

24 And I remembered the car was a
25 light-colored car, and it's probably -- it was either a

1 Nova or a Camaro, I believe, because they're shaped
2 similar to that. And the thing I remember definitely
3 was the way the car was -- grass and mud and everything
4 like it had been in a field or something like that for
5 quite awhile.

6 And so if she checked the credit card,
7 that's one way she could find out.

8 Now, people say, well, that was 26 years
9 now ago. When I was Vietnam Veteran, I can remember the
10 things that happened to me in Vietnam just like it was
11 yesterday. And the way I can remember it is basically
12 the same way. I still have things about Vietnam, and I
13 still remembered this occasion because it stuck in my
14 mind the way the thing transformed.

15 So that was what I give her, the
16 information. She never got back to me on the case. So
17 it rolled on.

18 It was still fresh in my mind, my memory
19 mind, which is long-term, not short-term. And about
20 three years ago Judge Sweeney, the Judge who handled
21 this case, was at one of our airborne meetings and he
22 was giving a critique or whatever on the case.

23 And I confronted him about what I know
24 and asked him the same questions about he could find out
25 about the credit card and the people living in Florida.

1 At that time I asked him, did her brother or his brother
2 lived in Florida; he said he thought they lived in
3 Arizona.

4 So after this -- I mean, I was just
5 telling him about this, trying to get some input on it,
6 and I explained to him what I knew and told him about
7 checking the credit card, if he knew -- know anybody
8 could check the credit card and see.

9 Okay. I seen him a couple years after
10 that, but I never did confront him or ask him about this
11 anymore at that time.

12 And then about a month ago -- a couple
13 months -- date, time, it might be shorter, it might be
14 longer, but a couple months ago there was a article in
15 the paper. And the article in the paper was talking
16 about the case, and they were saying that some of the
17 relatives lived in Florida.

18 So just as I heard that my antenna went
19 up high. So it was a mention in the paper of Ricky
20 Gardner, which is the Sheriff of Bedford. I called Mr.
21 Gardner and informed him that I thought there might have
22 been another person involved in this case.

23 And so I explained to him the same
24 scenario about it being Elizabeth that came by and paid
25 for that car and that was her who I seen in the paper

1 about a short time after the car was paid for. And I
2 give him the information, and he --

3 Q. Excuse me. Did he say anything about the fellow
4 at all --

5 A. Yes. Yes.

6 Q. -- when you were talking to Judge Sweeney?

7 A. Yeah, I give him basically the same thing that --
8 but I would like to back up to Judge Sweeney.

9 And Judge Sweeney, when I told him the
10 story, he said, well, Soering -- I mean, there was
11 footprints, the footprints lead to Soering and he might
12 not have been the one who killed him, but he might have
13 been there because of the footprint.

14 So again we come back to what I'm
15 talking about now to Gardner. And he more or less -- I
16 told him about how to check for it and see if there was
17 a credit card, and he more or less blew it off. And I
18 mean, he was -- he wasn't -- he was just telling me
19 probably, let to go.

20 So it wasn't something that came up
21 since your case came up. I mean, that wasn't in any
22 mind thought, transaction thought of that. But -- let's
23 see.

24 Q. So since you talked to Ricky Gardner, that was
25 not very long ago?

1 A. No, it's been within the last two or three
2 months I talked -- well, it might have been a little bit
3 more than four or five months.

4 But when they parked or come out, the
5 way to see when it was, there was an article in the
6 paper, just like I called the girl, from where we are
7 now, I called the girl in --

8 Q. In Charlottesville?

9 A. Charlottesville and --

10 Q. Tasha Kates?

11 A. -- and she called you or whatever. Because I was
12 trying to -- I told her at the time that I would tell
13 her the story provided she could find somebody that
14 could check it out and verify it, because I don't want
15 people to think I was bullshitting. Excuse me.

16 And so -- but when Gardner came, he was
17 in the -- the article was in the paper.

18 Q. Yes.

19 A. And that's the first time that anybody had said
20 that the family lived in Florida or any part of the
21 family. And what it'd been riding on ever since the
22 time the car was in the shop, that when she come and
23 paid for it, in my recollection -- I mean, my thoughts
24 and everything, there was people in Florida. So
25 anything that came up in Florida really made me really

1 think of everything again. So --

2 Q. Then you had remembered it correctly?

3 A. Yeah. So that's the reason I called Ricky
4 Gardner, was because that's the first time that I,
5 myself, had any evidence any of them lived in Florida.
6 And before, I didn't want to act that -- be like a fool
7 calling her up and saying that Elizabeth was in the shop
8 paying for the car.

9 And then right after that, between the
10 time there and the time she left the United States,
11 their picture was in the Lynchburg paper, and when I
12 seen her picture in Lynchburg paper I told the boys,
13 that's the girl that was in here who paid for that car
14 that day, the one we was really wondering about the
15 blood and the knife and everything in the front seat and
16 we thought it was the deer and everything.

17 But when she come and paid for it, and
18 then we seen her picture, then that was the lag of time
19 between that and the time I called whatever -- Gail.

20 Q. Gail Marshall?

21 A. Gail Marshall, yeah.

22 Q. Well, just to fill in a couple of things, when
23 you looked at the boy -- when you saw a picture of Jens
24 Soering in the paper, what was your immediate --

25 A. I said, then -- well, I said, then that's not the

1 guy that come with her to pick the car up, definitely
2 not, had no resemblance to him, period. It was not --
3 it was not the person that came with her when he picked
4 the car up, definitely not.

5 Q. Now, would you say how much time elapsed
6 between -- I know you weren't really following the
7 story, but between the time the Haysoms were murdered
8 and the time she came in?

9 A. Okay. It was either -- it was in a couple of
10 months, three or four months; I don't know exactly time.

11 Q. But between two and four months after --

12 A. Well, somewhere probably --

13 Q. -- the murder --

14 A. It was a time after that. But the thing I
15 remember about it is, the reason we questioned whether
16 the blood was deer was because it wasn't hunting season,
17 and that's the reason I said that they was probably up
18 there spotlighting deer. And the case had never come to
19 my thought at that time.

20 But when we seen her picture in the
21 paper, it was after that, and it was, you know, several
22 months after that.

23 But, now, as far as how long it was
24 after they were killed, like I say, I wasn't following
25 the case.

1 Q. Uh-huh.

2 A. I had my own business and I was occupied.

3 Q. Right.

4 A. I didn't have time. And I wasn't following the
5 case. I wouldn't -- but at that time they wasn't
6 telling anything about the case anyway.

7 Q. Uh-huh. Yes. Yes.

8 A. They weren't saying anything, that they was
9 killed by the knives or any of all that kind of stuff.

10 Q. Investigation was going on?

11 A. Yeah. So, the time -- from the time she was
12 killed -- they were killed until the time they came by
13 the shop, I don't -- couldn't really swear to how long
14 this was.

15 Q. Exactly. Uh-huh.

16 A. But from the time that they was at the shop until
17 the picture, now, that was in between the time that she
18 left -- they left the United States or where -- they was
19 looking for them or whatever.

20 Q. She and Soering left?

21 A. Yeah. The cops already said, but it didn't dawn
22 on me anything about Soering because I never seen the
23 picture and I hadn't seen his picture until they brought
24 him back from England. And I when I seen the picture I
25 said, that is not the guy that come by here in the car

1 that day. And that's when I called -- that's the reason
2 I called Gail --

3 Q. Marshall?

4 A. -- Marshall and explained what I knew. But she
5 never did get back to me. So then I just --

6 Q. Right.

7 A. When I was a businessman at the time I wasn't
8 interested -- I just let that went on so until the
9 Gardner article where Gardner was in. And then before
10 that Judge Sweeney was in between there. Now, he was
11 the Judge of the case.

12 Q. Yes. Yes. Can you tell me how you know Judge
13 Sweeney.

14 A. He's a member of the Airborne Association which
15 is -- I belong to.

16 Q. And you were at a meeting, just a regular
17 meeting --

18 A. Yeah, it was a regular meeting, and he was --

19 Q. Was he the speaker?

20 A. Yeah, he was the speaker. Yeah.

21 Q. And he's a member of it; you're a member of the
22 same organization?

23 A. Right.

24 Q. You just went up and started talking with him?

25 A. Yeah, well, he was giving the speech, and I

1 interrupted his speech when some of the article he was
2 talking about there, and I brought it; I said, I don't
3 think -- I think somebody else was involved in this.
4 And that's when he was making speech.

5 But after, I told him I wasn't trying to
6 interrupt his speech and all that when he -- at that
7 time when what he was talking about didn't go with my
8 thoughts. So --

9 Q. Yes. Was he actually talking about this case?

10 A. Yes.

11 Q. Oh, my dear.

12 A. Yeah. But the case was -- it wasn't -- the
13 appeal hadn't -- I done reckon.

14 Q. Oh, this was early on then?

15 A. No.

16 Q. This was not?

17 A. Well, this would only been about three years ago.

18 Q. Oh. And he was still talking about the case?

19 A. Yeah, he was talking about the case. And he was
20 taking about it; that's the reason -- I mean, I told him
21 what I just about told you.

22 And -- but he was at the meeting,
23 talking about the case. He was the speaker. And, of
24 course, when I interrupted his speech about this and
25 said I thought somebody else was involved and the reason

1 why I thought, and then I mentioned about the way you
2 could find out whatever on it.

3 And then the next one was Gardner, when
4 I told Gardner. Now, as far as what I've told you, I
5 guarantee Gardner's got it on tape or I have it on tape,
6 so if you look at his tape it's going to mirror what
7 I've told you.

8 Q. Because you told him the exact same thing you
9 told me?

10 A. Yeah, right.

11 Q. Getting back to Judge Sweeney, do you know the
12 relationship that Judge Sweeney had with the Haysoms?

13 A. He was a friend of the Haysoms. And that's -- I
14 asked him about the brothers, him about -- I was trying
15 to find out about Florida. And he --

16 Q. This is that particular time three years ago?

17 A. Yeah, um-hum

18 Q. So you even brought up about that, did they live
19 in Florida, and he said, no, they live in Arizona --

20 A. Or he thought -- he thought that his brother
21 lived in Arizona. Now, I mean, he didn't mention
22 anything about Florida. I was trying to get --

23 Q. So do you know how close -- if they had a close
24 relationship, if Judge Sweeney had a close relationship
25 with the Haysoms?

1 A. I don't -- I can't -- I can't say. All I know is
2 what I heard, you know, what --

3 Q. Uh-huh. So you don't know that from a
4 personal --

5 A. No.

6 Q. -- experience?

7 A. But he was the Judge, a real nice fellow, you
8 know.

9 Q. Did you ever try to contact the Attorney
10 General's office?

11 A. No, I didn't. All I ask is the three people I'm
12 talking about. And that was Gail --

13 Q. Marshall?

14 A. -- and to Sweeney and --

15 Q. And Ricky Gardner?

16 A. -- Ricky Gardner. Because what always was the
17 thing was if somebody could find out. It didn't make
18 any sense to me how come somebody couldn't look at the
19 credit card or anything.

20 Now, it might not have been a credit
21 card in her name; it might not have been a credit card
22 in her family, or it could be a credit card of some
23 other family member. Somebody had to be executor of
24 the estate. And since her parents were dead somebody
25 had to be paying -- giving her money and everything.

1 That's the reason I'm thinking of the credit card.

2 Q. Uh-huh. Since no family members --

3 A. And that's the reason before when I talked to
4 Gail I wanted her to check that out, because I didn't
5 want to be looking like a fool or something, you know;
6 and I said, that's one way to find out. But she never
7 got back to me.

8 Q. Do you know -- just to explain what she did, she
9 was working on his Habeas, and that's the appeal, and at
10 that point she probably -- you know, I'm a lawyer trying
11 to help another lawyer here. She probably thought,
12 well, I'm not going to be able to use that. But I don't
13 know what she thought. Right.

14 But in any case, wondering about the
15 knife, when you looked down and saw it, did it look like
16 a hunting knife to you?

17 A. As far as I can remember, yeah, if I relate it to
18 hunting. A hunter always has a long-blade knife so he
19 can get down and cut out the -- when he field-strips the
20 deer. And --

21 Q. Did it happen to look like any of these knives
22 (indicating)? The way I understand it, the knife was
23 never found. So they were trying to think what possibly
24 the knife could have looked like. Did it look like,
25 anything like that? Can you describe the knife? You

1 didn't get down and pick it up, did you?

2 A. No. The knife was between the seat, in the
3 console. And I've always told my men that it don't
4 matter what you find, don't bother it; if you see a \$100
5 bill laying there, just leave it laying there. Because
6 that's the first thing the customer comes back,
7 hollering that you stole his \$100 bill or whatever.

8 Q. I know. Yeah. So you just knew -- you can't --

9 A. My recollection is the knife, I believe it might
10 have been more of the long-blade knife, my recollection,
11 I think about it.

12 Q. Was it single blade?

13 A. I don't --

14 Q. Because you didn't look at it that closely?

15 A. Well, I would be thinking -- you know, these
16 knives are good for -- but most hunters have a
17 long-blade knife like I got back in the back there.

18 Q. So have you --

19 A. Which I would think about, me thinking about
20 somebody spotlighting the deer would be the other knife.

21 Q. A longer blade knife?

22 A. Yeah.

23 Q. But a single edge?

24 A. Yeah, uh-huh, I got one I can show you.

25 Q. Okay.

1 A. I would say it would be a knife with a long-blade
2 like that on it (indicating). It's a single-blade
3 knife; I couldn't swear to that part of it. All I can
4 swear to is there was a knife there. And my
5 recollection, this (indicating) would be the knife when
6 I talk about deer.

7 Q. Right. And so that's what you assumed when you
8 just looked down there and saw it but didn't really pick
9 it up and --

10 A. No, I didn't bother. I don't -- we didn't
11 bother -- that was one of our policies.

12 Q. But you saw blood on the --

13 A. Oh, definitely the blood was all over the
14 floorboard. Now, we're not talking about a little
15 blood; we're talking about -- (indicating). The whole
16 floorboard, there was a lot of blood on it.

17 Q. Okay. And then blood on the knife?

18 A. Blood on the knife. The blood, knife. That's
19 why I'm thinking it's this knife (indicating).

20 Q. Well, they never did find the knife, so -- of
21 course -- you know. All right. You actually covered
22 everything I was going to ask you; do you have anything
23 else that you would like to add?

24 A. Well, I told you about the car. I told you about
25 the guy that was there with her. And --

1 Q. Do you feel like you pretty well --

2 A. Yeah.

3 Q. -- said what you need to?

4 A. Yeah.

5 Q. You actually tried to get somebody to listen to
6 your story.

7 A. Yeah. It's something that you relive a hundred
8 times. And the thing about it was is after I didn't
9 notify or got involved in it earlier, I've always
10 thought along the line that I should have. And since
11 that time if anything looked suspicious always call in
12 and report something still.

13 But the reason we didn't report the
14 blood in the floorboard, because it had nothing to do
15 with the Haysom case; because we hadn't -- it didn't
16 come into my thought pattern until I seen her picture in
17 the paper, which was after the car was in the shop.

18 Now, if I had been up on the case and I
19 thought something I would have called the police that
20 day when we had the car. But it didn't anything dawn on
21 me until I seen her picture in the paper, and then the
22 case explained a little bit about the case and
23 everything; and that's when I said, that's the girl that
24 was in the shop that day. And then after that
25 everything is like what I said happened over the time.

1 Q. Mr. Buchanan, why would you come forward with
2 this story?

3 A. Well, that's what the -- when I told Ricky
4 Gardner that, and he asked why would I -- I said, I
5 thought you would be asking that, and the reason is
6 because they got the relatives living in Florida; that's
7 always been in the back of my head, about the Florida
8 part. So that's the reason I came forward then.

9 But before that, it was on -- knew
10 myself the car came in here that day was a -- unusual,
11 because it don't happen that way. People come, pay the
12 credit card, they gone. But they had to wait around in
13 the shop for 30 -- that's the reason I can explain the
14 people looking, because she stayed in the shop. She was
15 a right nice-looking lady. They stayed in the shop
16 while we was transitioned over the phone.

17 And the guy that was with her, was in
18 the shop just like you're sitting there and I'm sitting
19 there; he was sitting there. And I can tell -- I could
20 almost see his face now. It's like when I seen her
21 face, she was setting there.

22 So it reminded me when I seen the
23 picture in the paper; that's the reason. If I hadn't --
24 if she had been in there for the 10 or 15 minutes and
25 gone; but she sat there. And at the time she sat there

1 I was talking to her like we're talking. And she had to
2 call somebody else in Florida. And there was another --
3 they was there at least 30 -- I don't know exactly
4 how -- the time limit, but it was over 30 minutes
5 anyway.

6 And so when I seen her picture in the
7 paper, that's the reason I said, this is the girl that
8 was in the shop. And I told the employees: That was
9 the girl that was in the shop and we had that car in
10 here about the blood and everything. And then after
11 that is what I've been telling what happened.

12 Q. Yes. But you must think that this is such vital
13 information that it might have effected the verdict?

14 A. Well, see, I didn't really get into the case --
15 see, that's what I'm saying; I didn't get into the case.
16 I seen her picture in the paper; okay, right after that,
17 a small time after that, I don't know how long it was,
18 is they was focussing in on them

19 And I said, well, they got it, why
20 should I get involved in anything? I was thinking they
21 was already apprehended or going to be apprehended.

22 And then when they went to England the
23 case dropped out; it wasn't in my main thought. And
24 when they came back I still wasn't because they said
25 they had who had did it, the law enforcement, everybody

1 said everything was already wrapped up, they had who it
2 was doing and all that.

3 And then when they came back -- I'm not
4 the sure if Elizabeth came back first and they had her
5 trial, but it wasn't -- I'm saying, well, they know who
6 it is, so it ain't no big deal.

7 But then when I seen Soering's picture
8 in the paper -- I was thinking to myself, it was either
9 this guy that was in the shop or somebody else. But
10 when they said, Soering, this guy with glasses on, I
11 said, no way in the world it was that guy, the guy that
12 was in the shop. I said, now, whether he's involved or
13 not, I don't know.

14 And that's when I called Gail and told
15 her, I says, this is not the guy that was in the shop
16 with her as far as, now, her. But I told her, the way
17 to make sure would be to check, see if you can find a
18 credit card, because you're bound to be using credit
19 card because they said they was renting cars and all
20 this kind --

21 Q. Who said they were renting cars?

22 A. That was in the trial or something. They suppose
23 to have rented cars. He's suppose to have stayed in, up
24 in --

25 Q. Oh, right. In D.C.?

1 A. And he suppose to have came and did, and she
2 suppose to have been staying there.

3 But whoever paid for that car that
4 day -- that's why I say if you could check, find out
5 what credit card she was using or whatever, there would
6 be a record of -- and that was my -- that's the reason
7 when I talked to Gail, I said, if you could find this
8 out, we would definitely know that was her and there
9 wouldn't be no question.

10 My thing was always people are going to
11 question; and that's the reason I told her, I said, find
12 that, and then it will verify everything I've told you,
13 and then everything would be fine.

14 Q. So, basically, to wrap up what you said, two
15 college kids came in with a car; you think they were --

16 A. Now, they --

17 Q. Or they came in to pay for the car?

18 A. Yeah, okay. Yeah, they didn't -- let me explain
19 on that. The car was towed in the shop by Bubble's
20 Towing.

21 Q. They came in later?

22 A. They came in to pay for the car, when they come
23 in to pay -- now, somewhere along the line, now, the
24 reason the -- about the college kids was I had no
25 telephone number to call. So when I talked to Bubble,

1 he told me it was a couple of college kids up there,
2 some college kids the car belonged to. And so then I
3 didn't know who to call then.

4 Now, how they contacted me, I don't know
5 about that, how they contacted me about the price,
6 because I always give the price before I finish the job
7 or do the job. So, but when they come to pay for it,
8 two of them came.

9 Q. Two of them came. And there was an indication
10 that she was paying and it was his car?

11 A. Yeah, that's right, that was my understanding; it
12 belonged to him, but she was going to pay for it.

13 And that's one of the reasons later on I
14 probably couldn't find the Work Order, because the Work
15 Order would have been in his name and the card would
16 have been in her name.

17 Q. Oh.

18 A. So that's one reason when I looked for it I
19 couldn't find it.

20 Q. Did you ever find out what his name was?

21 A. No, I never found that name. And I didn't
22 know -- that's what they -- I looked -- when they --
23 when they left the country --

24 Q. When Soering --

25 A. And it was a period of time -- yeah --

1 Q. -- and Elizabeth?

2 A. -- when I started looking for receipts it's been,
3 like, a year or two. And the credit cards, I never hold
4 them but six months -- you had to hold them six
5 months -- and receipts. But by that time that paperwork
6 was gone. And the Work Order, I wouldn't have know who
7 I was looking for anyway.

8 Q. So you've been carrying this memory for 25 years?

9 A. 26 years.

10 Q. 26 years. And yet you didn't feel okay with just
11 letting it go; you really did want somebody to hear it?

12 A. It would have kept on. It kept on returning to
13 my mind, like, and I keep going, people say, are talking
14 about Vietnam? Vietnam comes to me all the time; I
15 mean, I can quote you things.

16 Now, I was in Vietnam for a year; now, I
17 can tell you about the real scary times and really like
18 that, but the other time it was like a zombie, you just
19 don't -- you just don't look -- and it's the same way in
20 this case.

21 They had no reason for me to really
22 insert, but it kept coming back all the time. And every
23 time I got a chance I tried to tell somebody about it.

24 Q. Now, is it your feeling -- now, this is not
25 recollection. Is your feeling that this young man was

1 part of the incident since the blood was in the driver's
2 seat, it was his car, the knife, the bloody knife was
3 there? Is that your feeling?

4 A. My feeling on it is the guy who was with the car
5 had something to do with the murder. The guy who was
6 with the car definitely was not Soering. I'd be
7 willing --

8 Q. So those are kind of just the objective facts?

9 A. Yeah.

10 Q. He had -- you thought he probably had something
11 to do with it; you weren't sure exactly what, because
12 you couldn't tell from just observing the bloody
13 footprints on the mat and the bloody knife, but you
14 figured since that was his car, she's paying for his
15 car, blood, knife, that that was very important to this
16 case?

17 A. Yeah. Well, as it went on, my thoughts were that
18 he really -- whoever the guy was had something to do
19 with the case, and that's the reason I kept --

20 Q. Kept --

21 A. -- and then bringing the thoughts. Because it
22 kept playing in my mind about the way things unfolded
23 about the car. And then when her picture -- really what
24 started me was when I seen her picture in the paper.

25 Now, I always tell people, they're going

1 to find out exactly what time and how it -- the time of
2 the car and everything. If you find out where her
3 picture was in the paper, it should be -- I've been
4 wanting to go down to the library and look it up.

5 But she -- when her picture came in the
6 paper, that's the time I said, that's Elizabeth
7 Haysom -- not right then -- I said, that's the girl who
8 was in the shop with that car, and then later I found
9 out that picture was Elizabeth Haysom, because my
10 antennae had went up.

11 And then once I found out it was
12 Elizabeth Haysom's picture, and then that's when my mind
13 started, kept on -- and I kept on thinking about it.
14 And it's like -- like, I'm saying about old times is --
15 sometimes things stick out for a different reason.

16 The car would have never stuck out, the
17 people would have never stuck out if it hadn't have been
18 a problem on paying for it. And that's the reason I can
19 remember the paying part. Because if it hadn't been for
20 the paying part I would have not probably thought
21 nothing else about it. I only remembered when -- when
22 there was a lag about paying for the car, it made me
23 remember it.

24 So when I seen her picture, she -- and
25 it's always stuck in my mind about her not paying where

1 she called. And -- but I always wanted some extra proof
2 myself.

3 And the part that really stuck in with
4 Gardner was when he came out and said, Florida, some
5 relatives lived in Florida. And they didn't say they
6 lived in Tampa, but I said, well, they had some
7 connection to Florida. So then I say, well, I'm going
8 to call him and tell him I know somebody, another --

9 Q. Yeah, you were --

10 A. -- probably involved in the murder. And he took
11 the information. I mean, he -- I know he recorded it.
12 So --

13 Q. Uh-huh. Uh-huh.

14 A. But he never got back to me. Because he was kind
15 of -- I got the feeling that he just brushed it off, is
16 what it was.

17 And then when -- another article -- see,
18 it's always related to the newspaper now. The other
19 article come out with the girl at Charlottesville. So
20 this is the third time I was trying to -- so I told her,
21 I says, I'd like to tell you -- because you sound like
22 you're interested in that case, and I would like to tell
23 you a story if you've got time to listen to it and if
24 you're willing to take your sources and try to find out
25 what I'm going to tell you.

1 So I told her the story, and I told her
2 about the credit card and all that, and she told me
3 that, like the rest of them, I'll get back to you.

4 Q. Yes. You probably thought she was never going to
5 get back to you, but she did. Yes. Yes.

6 A. Well, she called you; now we talking.

7 Q. Uh-huh. That's right.

8 A. At the time the reason I called her was she was
9 talking about it and it sounded like a person who would
10 be interested in trying to find something out. And I
11 thought she would might know somebody maybe in the
12 F.B.I. or something to check something.

13 Q. Now, did it bother you that possibly somebody may
14 have been in prison for 25 years and maybe didn't do it,
15 and this was some added information?

16 A. Well, when I heard, you know, he was denying
17 everything back -- you know, you have to go on back to
18 the --

19 Q. The trial?

20 A. To Gail, you know.

21 Q. Right.

22 A. And that's the reason I called and said, well,
23 this guy ain't the guy that was by. Because I was
24 thinking whoever had something to do with it by that
25 time was the guy in the car. And the person picture I

1 seen in the paper wasn't the guy that was in the car or
2 was there with the car.

3 And so that's -- I say, well, this
4 guy -- then I heard that he was trying to get immunity
5 from -- well, a foreigner. He sounded like one of them
6 in the mechanic business; a lady breaks down on the side
7 of the road, you always got the hero who comes up and
8 tells her -- try to fix her car, but he messes up more
9 than he fixes.

10 And basically that's what Soering did in
11 my opinion; it looked like, to me, he went up, tried to
12 be the hero, like the guy who's trying to fix the girl's
13 car and figured he couldn't get -- and I said, well,
14 that guy's stupid, whatever, you know.

15 So then the other things unfolded, like
16 I said, it came to my -- I probably thought about it a
17 hundred times over the years, and I wanted to get it
18 out.

19 Q. You wanted to get this story --

20 A. It was one -- now, I come back to kind of a
21 related story, show you how people don't get involved.
22 A person in the same shop, my shop, bought a old police
23 car from me -- and I better not go too much on that --
24 he bought an old police car from me. And -- well, I can
25 say, he was -- I don't know if I say he's a martyr, I

1 better not say it, but he was related to some Muslims.
2 Okay? So when he come to pick that car up that time he
3 didn't sign, he put it in another lady which he said was
4 his wife, but it was a different name than his.

5 And I called the FBI to know them that
6 this guy bought a old police car. And I called the
7 State Police. And everybody kept putting me off. The
8 FBI told me to call the State Police. And I called
9 State Police; State Police told me to call the Lynchburg
10 Police. So, everybody on that deal just in essence --
11 basically what was happening.

12 So you can't get nothing out of nobody;
13 don't matter what you tell them, nobody listens. So
14 basically --

15 Q. So you kept running into dead-ends as far as
16 trying to get the --

17 A. Yeah, and that's what happened on this other
18 thing. I wanted to get the story out years ago. And
19 it's not something that I am getting out because you are
20 doing what you're doing. When I first got it out it was
21 right after -- which would have been -- I don't know
22 what year they tried him in, but it was probably in --

23 Q. '85?

24 A. He didn't try him in '85 now. It was '86, '87,
25 '88, somewhere along that line. And that's when I tried

1 to get it out back then, which was nothing to do with
2 your case.

3 And it was nothing to do with Judge
4 Soering (sic) and it wasn't nothing to do with Gardner
5 back then. You know, I was trying to get the
6 information to Gail. And I was trying -- but after all
7 that time I kept saying, you know, it never has been: I
8 appreciated you coming, and really paying interest to
9 it, you know, interest in it.

10 Because now maybe I can write it off and
11 write that part out of my life.

12 Q. That's right.

13 A. Be gone.

14 Q. That's right. You've done what you --

15 A. Now, it's got to somebody who's going to do
16 something or trying to do something. So --

17 Q. That's right. And we do appreciate you're coming
18 forward with it and making that effort. And it was a
19 continuous effort on your part. Because what you were
20 thinking is there may be an injustice done in this
21 case --

22 A. Yeah.

23 Q. -- and you'd like somebody to look into what you
24 know for sure --

25 A. Yeah.

1 Q. -- to be true?

2 A. Yeah.

3 Q. And so we thank you.

4 A. And what I told you today, as far as I'm related
5 to this case, is the honest truth.

6 Q. Well-appreciated. Appreciate it, Mr. Buchanan.
7 Thank you.

8 (Statement concluded.)
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER:

* * * *

I, SHELLY TYREE, a shorthand reporter and notary public in the State of Virginia, and whose commission expires December 31, 2011, do certify that the foregoing is a true and accurate transcript of the Statement Under Oath of TONY M BUCHANAN, who was first duly sworn, at the place and on the date hereinbefore set forth.

I further certify that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which this Statement is taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in the action.

Given under my hand this 13th day of March, 2011.


Shelly M Tyree
Notary Public Reg. # 204352