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Gail A. Ball, Esquire
Member, Supreme Court of the United States

March 21, 2011

Governor Robert F. McDonnell

Richmond, VA

Dear Governor,

- Please forgive me for writing you again so soon after my letter to you of March 7, 2011. A new, credible witness has stepped forward to provide eyewitness testimony that corroborates both Jens Soering's testimony at trial and the recently-released DNA test results. I personally took this witness's statement at his home on Thursday, March 10, 2011. Enclosed, please find a transcript and an affidavit. (A video of the session will follow.) Specifically, this witness observed Elizabeth Haysom in possession of a heavily blood-stained, single-edged knife of the type used to murder Derek and Nancy Haysom—accompanied by a young man who, with absolute certainty, was not Jens Soering. (I am currently attempting to discover the identity of this young man.)

This eyewitness testimony corroborates Jens Soering's testimony at trial and his trial attorney's argument. Please recall that at Mr. Soering's 1990 trial, his attorney, Mr. Richard A. Neaton, argued both in his opening and especially in his closing statements that the evidence showed that Elizabeth Haysom had committed this crime with an accomplice other than Jens Soering.

Please recall that evidence, which I summarized for you on pp. 5 and 6 of my case summary, "Why the Haysom/Soering Case Warrants Reconsideration":

- *All four blood types were found at the crime scene: the victims' A and AB, and also B and O.
- *In addition to the victims' shoe prints, police discovered both unknown sneaker prints and unknown sock prints.
- *Both victims had very high blood alcohol levels. Elizabeth Haysom's fingerprints were found on a vodka bottle on the front row of the liquor cabinet near her father's body. Both her father's fingerprints and unidentified fingerprints were found on a shot glass directly adjacent to his body.

Please recall Jens Soering's testimony. He testified at trial that he remained in Washington, D.C. and attended three different movies, while Elizabeth Haysom left in

their rental car—supposedly in order to meet a drug supplier and transport narcotics to her drug dealer at the University of Virginia, to pay off her debt. The movie tickets were later found in Mr. Soering's possession—not Ms. Haysom's. At trial, Mr. Soering speculated that Ms. Haysom's accomplice in the murders might have been her drug dealer at U. Va.

Now please recall the results of the DNA tests performed in 2009. Forty-two blood samples were tested, of which eleven provided usable results. Both Jens Soering and Elizabeth Haysom were definitely excluded as possible contributors of those eleven samples. So the unknown blood samples found at the crime scene most probably belong to Ms. Haysom's accomplice.

The new witness whose statement I took on March 10, 2011, corroborates the involvement of a young man other than Jens Soering in the murders of Derek and Nancy Haysom. Thus, the witness's testimony dovetails with the trial attorney's arguments, the forensic evidence, my client's trial testimony, and the new DNA evidence. The weapon used in the murders, a knife, was never discovered.

The witness states that, three to five months after the murders, a towing company brought a car to his transmission repair shop to be repaired. The car was covered with mud and leaves, as if it had been left in the woods for several months. On the floor mat next to the console was a single-edged, hunting-type knife. The coroner's testimony at my client's trial established that this was the type of knife used to kill Derek and Nancy Haysom. This knife was covered in blood, and the blood was "all over the floorboard.". After the repairs were made, a young couple came in to make payment and pick up the car. The witness states that the young woman who paid for the bill with a credit card, without any doubt whatsoever, was Elizabeth Haysom. And the young man who accompanied her was, with absolute certainty, not Jens Soering.

The witness provided many other minor details which add credibility to his testimony. You will discover that the transcript of his statement and the CD with the video recording are quite lengthy. However, I feel it is better to provide you with the unedited version of his statement so you can develop a sense of the witness's character. He won the bronze star in Vietnam and owned and operated a small business—the salt of the earth. Quite understandably, he now fears for his own safety. But once he learned of the DNA test results through the newspapers, he felt he had to step forward to try to help free an innocent man.

Please note that Elizabeth Haysom was in the area when the witness made his observation. In late May/early June of 1985, Ms. Haysom, several of her siblings, and Mrs. Annie Massie cleaned the Haysom residence so it could be sold. (Please recall that it was on this occasion that Mrs. Massie observed Ms. Haysom remove her shoe and compare her foot to the bloody sock print on the floor.) Ms. Haysom was in the area again from mid-July to late August of 1985, when she attended the second "semester" of summer school at the University of Virginia—a fact easily confirmed by university records.

As with the DNA test results, the new witness's testimony does not conclusively prove Jens Soering's innocence. But—again, as with the DNA test results—the witness's testimony adds yet another significant element of doubt to an already high dubious prosecution theory of the case. Please recall that, according to a trial juror's affidavit, the jury was split 6-6 at the beginning of deliberations. Now imagine that the jury had heard of 42 DNA tests—not one of which linked Jens Soering to the crime scene, and 11 of which conclusively excluded him. Finally, imagine that the jury had also heard this new witness's testimony, observing Elizabeth Haysom in possession of a blood-stained knife and accompanied by a young man other than Jens Soering. As a former Commonwealth's Attorney, you know that no jury would have convicted Mr. Soering under these circumstances.

Allow me to conclude this letter to you as I concluded my letter of March 7th. If you want to give my client, Jens Soering, what he deserves—grant him a conditional pardon. If you want to give him what he is requesting—a grant of parole. In either case, he will be deported and barred from returning to the U.S.

Respectfully yours,

Gail A. Ball