

DATE: SEPTEMBER 10, 2012
TO: VIRGINIA PAROLE BOARD
FROM: DAVID C. WATSON, D. C. WATSON INVESTIGATIONS, LLC
RE: JENS SOERING, DOC #1161655
SUBJECT: REPORT ON INVESTIGATION

Background

My name is David C. Watson. I am a registered private investigator with the Virginia Department of Criminal Justice Services, registration number 11-5290. I am the owner of D. C. Watson Investigations, LLC, located at .

Prior to my retirement I served twenty-seven years with the Prince William County Police Department achieving the rank of Master Detective. For the five years following my retirement from the police department I was the chief investigator for the Prince William Commonwealth's Attorney's Office. Also, I was the founder, executive officer and past first president of the Virginia Homicide Investigators Association.

I was the lead detective on numerous capital murder cases prior to and after my retirement from the police department. The capital murder cases I investigated while a police detective resulted in the death penalty; and I have been called in by other police departments within the Commonwealth to consult on high profile murder cases and was a member of the prosecution task force investigating the D. C. Sniper Case.

Investigation

At Jens Soering's 2011 parole board hearing, Virginia Board Investigator, Trudy Harris, recommended to Mr. Soering's attorney, Gail A. Ball, that she might do well to hire me to investigate Jens Soering's case. I began my investigation in September 2011. Because of the fact that Mr. Soering lacks adequate funds, I conducted this investigation on a greatly reduced fee schedule.

In the course of my investigation I interviewed Mr. Soering twice, at length - once in 2011 and once in 2012. I reviewed the numerous forensic reports and evidence held at the Virginia Department of Forensic Science in Richmond on two occasions. I interviewed Bedford County Sheriff's Department Major Ricky Gardner in Bedford and I reviewed the trial transcripts in the Bedford County Court House as well as the physical evidence that had been displayed at Mr. Soering's trial and is currently stored by the Bedford County Circuit Court. I interviewed former Deputy Attorney General Gail Starling Marshall at her office as well as the potential witness Tony Buchanan at his home.

Conclusion

In my professional opinion, based on a year-long investigation of this case, and the review of evidence made available to me, I find that evidence used to convict Mr. Soering lacks the support to convict him beyond a reasonable doubt.

Specifically I do not incorporate defense trial evidence or arguments or after-discovered evidence. I am aware that in 1995, new sock print analyses were produced; in 2009, new DNA evidence was produced, and in 2011, a new witness came forward. However, none of these formed the basis of my evaluation below.

Also, I do not base my evaluation on personal impressions gained during my two long interviews with Soering at Buckingham Correctional Center. The fact that he now denies his guilt proves nothing. I make no judgment as to his credibility today.

1. Confession—The primary evidence against Soering at trial were his confessions of June and December of 1986. These two confessions differ significantly from each other, and also there are significant differences between the confessions and the forensic evidence discovered at the crime scene. Most importantly, this crime was almost certainly committed by two perpetrators, not one, as Soering claimed in those confessions. Before Soering gave his confessions, the Bedford County sheriff's department had also concluded that there were two perpetrators, as evidenced by the APB issued in April 1985 immediately after discovery of the crime.

False confessions are a common phenomenon in high profile crimes. I've had personal experience with false confessions during my career in law enforcement and I consider those in this case of June and December of 1986 unreliable.

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

The jury was shown only the one ink footprint of Soering that resembled the bloody sock print and one ink foot print of Elizabeth Haysom's that differed from the sock print. The jury was not shown other footprints of Soering's that differed from the sock print or the other footprints of Elizabeth Haysom's that resembled the sock print even though these were available. This one-sided and biased presentation of the sock print evidence was completely unscientific and prejudicial. Today the sock print overlay like this would never be entered into evidence at trial.

3. O-type Blood--At Soering's trial, the jury was led to believe that the O-type blood at the crime scene could only have been left by him, since the victims blood types were A and AB. With the availability of DNA testing today, this type of speculation and insinuation based on blood type would not have been possible. O is the most common blood type and its presence at the crime scene does not incriminate Soering, although it does not exculpate him either.

4. Outside lights--The prosecution **emphasized** to the jury that the outside lights at the Haysoms' residence were not turned off--a fact that allegedly implicated Soering since he most probably did not know where the light switch was located. However, this crime was committed in a fit of passion, possibly under the influence of mental illness and/or drugs. It is very likely that the perpetrators were so emotionally agitated that they simply forgot to turn

off the light when they left. In fact, the crime was committed at night and the perpetrators could have needed to use the outside light to make their escape down the front stairs. In fact, the outside lights are completely irrelevant as to who committed this crime.

5. Letters, Diary, etc--The letters and diary produced at trial contained no confessions. They provide no basis for determining whether Soering committed the crime or merely covered it up.

6. Elizabeth Haysom

The Commonwealth's star witness against Soering was his former girlfriend, Elizabeth Roxanne Haysom. I am troubled by the prosecutor's decision to call Haysom as a witness at Soering's 1990 trial because at her 1987 sentencing hearing the same Commonwealth Attorney James W. Updike, Jr. made a point of repeatedly exposing her many lies and forcing her to admit her deceitfulness (e.g., Transcript Oct. 6, 1987, p. 298). Also, Dr. Robert Showalter, the psychiatrist frequently called by the Commonwealth, diagnosed Elizabeth Haysom with "a very clear" case of borderline personality disorder and testified that, among many other things, her account of how the knife was purchased is "simply not true." (Tr., Oct. 6, 1987, pp. 368-371, 390). Finally, both Dr. Howard Haysom, Nancy Haysom's son by a previous marriage, and Mrs. Annie Massey, Nancy Haysom's best friend, testified that they were "not satisfied with the explanation that her guilty plea provided because they believe that she was in the house at the time of the crime." (Tr., Oct. 5, 1987, pp. 441, 469).

To give one example of how fantastical Elizabeth Haysom's account was: she claimed that when Soering returned to Washington after the murders, he picked her up in the rental car on a busy street in Georgetown dressed in nothing but "some kind of white sheet, and he was covered in blood from head to toe." (Tr., Oct. 5, 1987, p. 170). The blood was "all over everything," the sheet itself and all over the car. (Tr., Aug 25, 1987, p. 20 citing interrogation of May 8, 1987, p. 11). This cannot be true because forensic tests presented at Soering's trial established there was no blood residue at all in the car.

7. Motive/Modus operandi--The victims were stabbed dozens of times and nearly beheaded. Obviously the perpetrators felt enormous rage directed specifically and personally at these victims. Also the perpetrators were possibly under the influence of mental illness and/or drugs.

According to her own admissions, Elizabeth abused drugs for many years and even used drugs on the day of the crime.

Soering had only met the victims once before the crime and therefore had no reason to feel great personal hatred toward them. If Soering had wanted to murder the victims for any reason, based on my observations of his personality, he would have used a gun. Also, he had no history of mental illness or drug use.

Elizabeth Haysom's plea at her sentencing hearing provided ample evidence of her overwhelming personal hatred of her parents.

Because of the evidence relating to motive and modus operandi I consider it more likely that Elizabeth Haysom perpetrated this crime rather than Soering. However, this is only a "hunch" based on 25 years as a homicide investigator, not a "hard conclusion."

Comments

During my career in law enforcement I worked on numerous high profile crimes. Such crimes are especially difficult to investigate because external factors often intrude, and these may cause a less experienced investigator to lose focus.

I have already referred to the prevalence of false confessions in high profile crimes. Another example is the misleading misuse of pseudo-scientific “evidence” like bite marks, or—in this case—sock print overlays.

In my professional opinion a number of other significant errors were made during the investigation and prosecution of Soering as a result of the great public pressure to convict the perpetrator in this high profile crime.

First, I am especially troubled by the fact that Soering was not given access to his attorney during the four days of interrogation in London, England in June 1986, even though he asked for his lawyer many times. The authorities should have provided him with access to his attorney and they did not! However, if I had been interviewing Soering, I would have provided him with access to his attorney who was on one occasion in the waiting room of the jail.

Second, I am also troubled that the prosecutor withheld evidence—evidence relating to alternate suspects, William Shifflet and Robert Albright, as discovered much later by Soering’s lawyers during his habeas corpus proceedings in 1996.

Another significant breach of the rules of discovery is that a 1985 FBI report produced a profile of the killer indicating that the perpetrator was most probably a female acquaintance of the family. The existence of this report did not become known by Soering’s lawyers until a television interview in 2011 where the original lead investigator of this case, Chuck Reid, revealed its existence and its conclusion. When I questioned Major Ricky Gardner about this FBI profile, he claimed he could not recall whether or not it existed, and then became evasive.

Those denying the suspect his right to counsel and suppression of evidence are unfortunately common in high profile, high pressure cases.

In Soering’s case there were also other external factors that contributed to conviction:

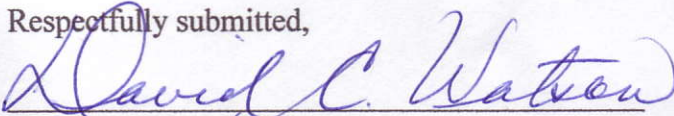
1. The trial judge was a friend of the victim’s family since the 1940’s.
2. Soering’s defense lawyer later had his license revoked because he suffered from a mental disability even at the time of Soering’s trial.
3. This was the first high profile trial in Virginia that was televised.

4. The D-DAY MEMORIAL is located in Bedford county because Bedford lost more men on D-DAY than any other city per capita in the U.S.
Soering is a German citizen.

Recommendations

1. During my review of the forensic reports in evidence held by the Virginia Department of Forensic Science, I found many unidentified fingerprints recovered at the crime scene. One of these fingerprints was left on a possibly significant location—a used shot glass found near one of the victims. At the time of Soering's trial, AFIS was not yet available. I recommend submitting all the unidentified fingerprints in the VDSF file to AFIS using the widest possible parameters. The cost is miniscule and can be done in short order. The VDFS is more than happy to accommodate us should we obtain the proper authorization, as one issued by the Board.
2. I recommend obtaining the 1985 FBI profile discussed by lead Investigator Chuck Reid in the 2011 television interview.
3. Based on my extensive review of the forensic reports at the VDFS, I recommend further investigation of [redacted] (See also Tr, August 24, 1987, pp. 11, 12).
4. I recommend and support the parole and deportation of Soering to Germany.
5. In my professional opinion the evidence does not support Jens Soering's conviction and the finding of "guilty."

Respectfully submitted,


David C. Watson, Investigator