



COUNTY OF ALBEMARLE
Office of the Sheriff

September 13, 2017

Governor, Terry McAuliffe
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, VA 23219

Re: Petition for Pardon submitted by Jens Soering
Supplement to original letter of May 2, 2017

Dear Governor McAuliffe,

When I spoke with you briefly in New York City at the Innocence Project Gala in May, I told you I planned to continue to work on the Haysom Murder case. I told you that I hoped to find more evidence that could make your decision on Jens Soering's pardon request easier. I have now spent in excess of 400 hours on this case. I will try to be brief because some new observations that I have made are mentioned in a letter prepared by Richard Hudson, retired Charlottesville Investigator, who joined me on this case four months ago.

As I have stated previously, 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. Today, having spent an additional 200 hours on this case, I feel even stronger about this conclusion than I did on May 2, when I submitted my original report to you.

Review of DNA Findings

When I first started analyzing the case, I reviewed VA DFS records and saw where Lisa Schiermeier-Wood, a supervisor with VA DFS, states in a memorandum for record dated September 6, 2016 that the “item 6FE bench notes support the conclusion of ABO type O.” In another memo she states, “DNA results did not indicate more than one contributor being detected in 6FE.” Thus, Soering is excluded as the contributor. The DNA findings from Bode Technology, who had tested Mary Jane Burton’s samples, had also indicated that the O type blood at 6FE and the AB blood 23K#1 and 7FE#1 had come from male contributors that were not Soering.

Before I wrote my letter to you in May, I wanted to clear up any questions that some might have had in challenging the 2009 DNA results. I asked Steven Rosenfield (Soering’s lawyer) to consider hiring a top expert in the field to take a look at the data. He selected Moses Schanfield Ph.D. Schanfield had written books on the topic, run a major crime lab, was an expert in serology and DNA testing and teaches on the topics. Schanfield reviewed the data and rendered a report that reached the same conclusions clearing Soering and recognizing the presence of two unknown men who bled at the crime scene: one unknown male had O type blood and one unknown male had AB type blood.

Still there were people who questioned the results, so this month, Rosenfield reached out to yet another DNA expert to review the findings: J.Thomas McCintock, Ph.D. a nationally recognized expert in serology and DNA . He reached the same conclusions as did Dr. Moses Schanfield back in May. Soering’s DNA has not been detected at the crime scene, and there are two unidentified males leaving AB and O blood behind. Schanfield and McClintock independently concluded that the AB type blood (23K#1 on the kitchen counter top and 7FE#1 on the front door threshold) from this male contributor is not a mixture. The O blood (6FE) on the door handle is not Soering’s which contradicts the prosecutor’s theory presented to the jury in his 1990 trial, but is another unidentified male with type O blood.

Pro-active Investigative Attempts

Hudson and I have attempted to meet with Bedford Sheriff Mike Brown and his Chief Deputy Ricky Gardner. To date, neither man will meet with us to discuss our findings in the Haysom

case. Bedford Commonwealth Attorney Wes Nance was nice enough to meet with us for an hour back in July. He admitted he knew very little about the case. He also indicated that he had a very large work load of major cases on his plate that were taking up all his time. In addition to going over the DNA evidence I told Mr. Nance that we had identified potential witnesses and persons of interest with whom we had attempted to speak, but we were getting nothing but refusals. We asked Mr. Nance to consider re-opening this case because DNA indicated two potential killers bleeding in the 1985 crime scene that could still be a public safety concern. He asked for a couple of weeks to digest our presentation. Mr. Nance responded back to us three weeks later. He said that he had met with Chief Deputy Ricky Gardner concerning our meeting and was going to decline all of our request at this time. He reported that Gardner felt the case had been already been solved and brought to a proper conclusion. Nothing we want to do in the future regarding the finding of the two unknown men should interfere with your decision making regarding Soering, because our work may take a long time and because we are convinced that Soering did not kill the Haysoms and was not present at the time of the murders.

Conclusion

Much of the additional work Hudson and I have done on this case, we have decided not to write about at this point, due to the ongoing nature of the investigation. I will say that none of it has been hugely successful in identifying additional evidence, in my opinion for reasons stated above.

I hope that you will strongly consider giving Jens Soering at least a conditional pardon and deport him back to Germany. Based on the status of the evidence today, I believe no jury would convict him at trial. His claim of innocence is strongly supported by the totality of the evidence, including the DNA results that place two other men at the crime scene. I am convinced Mr. Soering did not kill Derek and Nancy Haysom and was not present at the scene when the murders took place.

Your grant of a pardon to Mr. Soering may be what is required to have this case re-opened. As of today, the Bedford County authorities refuse to make any attempt to identify and locate the two men who left their DNA at the crime scene. That leaves two likely killers free to roam Virginia and possibly commit other offenses. I hope and believe that, if you grant relief to Mr. Soering,

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the Bedford authorities will be forced to change their position and begin the search for these two men. Derek and Nancy Haysom, and their families, have never received justice, because two killers have escaped prosecution for 32 years. If a pardon for Mr. Soering becomes the first step toward arresting and convicting the two murderers, you will finally give the victims and their loved ones what they deserve.

Sincerely,

J.E. "Chip" Harding

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Sheriff, Albemarle County