

October 20, 2017

The Honorable Terry McAuliffe
c/o Noah Sullivan
Office of the Governor
Patrick Henry Building
1111 E. Broad Street
Richmond, VA 23219

Re: Petition for Pardon by Jens Soering

Dear Governor McAuliffe,

My name is Dr. Andy Griffiths, and I am writing you with regard to the case of Jens Soering. You may remember my involvement in the case of Robert Davis, whom you granted a pardon, and it is through Steve Rosenfield - the solicitor in that case - that I became involved in Mr Soering's case.

I present myself as someone recognised by others as an expert in the field of investigative interviewing by law enforcement. I had a thirty-year career with a police force in the UK, where I achieved the rank of Detective Superintendent, in charge of over 100 investigators as head of the Major Crime team, and with overall responsibility for all homicide investigations. During my career I was supported to complete a PhD in the subject of investigative interviewing, undertaking an evaluation of 200 real life major crime interviews with suspects and witnesses. I have since published in peer review academic journals and books. I now lecture and consult internationally on the subject and related investigative professionalism. I also spent time as a Visiting Professor at the John Jay College of Criminal Justice, New York.

Last year, I spent approx. five months analysing the statements Jens Soering made to Virginian and British detectives during the period of June 5 to 8, 1986. I studied many dozens of pages of interrogation transcripts and listened to many hours of audio recordings. I cross-referenced this material against hundreds of pages of trial transcripts, forensic reports, crime scene photographs and other documents. I had an open mind on the validity of Mr Soering's confession before commencing this task.

On July 29, 2016, I submitted a 21-page report to Mr. Soering's attorney, Steven D. Rosenfield. I have been informed that my report is Exhibit 7 of the Petition for Pardon currently pending before you. My report concludes with the statement, "[I]n the case of Jens Soering there are significant doubts about the reliability of the confession he made, so as to render it unreliable when considered against other case information and the circumstances of his interrogation." This is the strongest opinion I would ever express when conducting an analysis of a disputed confession.

I have recently had occasion to communicate with Mr. Rosenfield again at some length by email and Skype. He has updated me on the new DNA findings by Dr. Moses Schanfield of George Washington University and Dr. J. Thomas McClintock of Liberty University. Mr. Rosenfield has also given me a detailed account of the new investigations conducted by Sheriff J.E. "Chip" Harding of Albemarle County and retired Detective Sergeant Richard Hudson of the Charlottesville Police Department. Finally, Mr. Rosenfield described the analysis done by Prof. Mary K. Tate and the University of Richmond School of Law's Innocence Project. All of this information was new to me; none of it was included in my report of July 29, 2016, Exhibit 7.

On pages 12 to 16 of my initial report, I discuss the importance of "Type 1" inaccuracies in Jens Soering's confession: details that are inconsistent with forensic evidence or passive data. I identified a number of such inaccuracies, based on the information available to me in the first half of 2016.

The newly-discovered presence at the crime scene of the blood of two men, neither of whom could have been Derek Haysom or Jens Soering, is another powerful example of a "Type 1" inaccuracy. Specifically, it contradicts in the strongest terms the confession made by Mr Soering that he alone travelled to Little Chippings and murdered the Haysoms by stabbing them and cutting himself on the process, and therefore further strengthens my original conclusion. If this information had been available to me when I composed my report, I would certainly have included it.

I also note that, as part of their investigations of the entire case, Sheriff Harding and Detective Sergeant Hudson performed analyses of the Soering confession that reached the same conclusion as my own earlier analysis. The fact that two highly experienced fellow detectives reached the same conclusion as I did does not, in itself, impact my own findings. However, I think the fact that the three of us all came to the same conclusion regarding Mr. Soering's

statements to police must be given its due weight by those deciding Mr. Soering's fate.

Unlike Sheriff Harding and Detective Sergeant Hudson, I did not conduct an investigation of all the case evidence, but only of the confession. Consequently, I am not in a position to speak to Mr. Soering's guilt or innocence, or to offer you a recommendation on the petition for pardon currently pending before you.

However, I can now review my opinion of his confession, in the light of the new DNA findings. This new evidence provides strong additional corroboration of my earlier conclusion, that Jens Soering's confession is unreliable, and that, therefore, the trial verdict is unsafe as it was largely based on his confession. I believe Mr. Soering would not be convicted if the trial were held today and the jury heard all the evidence available now.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'A. Griffiths'. The signature is stylized with a large 'A' and a long horizontal stroke extending to the right.

Dr. A. Griffiths