

April 2, 2018

To the Honorable Ralph Northam
Governor, Commonwealth of Virginia
Patrick Henry Building, Third Floor
1111 East Broad Street
Richmond, VA 23219

Dear Governor Northam,

In 2017, the investigators working on behalf of Jens Soering asked me to review their investigative results in an effort to develop any additional leads, which may assist in vindicating Soering and/or identifying the person or persons responsible for murdering Dereck and Nancy Haysom.

With an extensive law enforcement and investigative background spanning 45 years, I pursued this request with prudence. During my law enforcement career with the FBI, I've investigated many serious crimes. There were four murder cases that are especially memorable to me. In each case the suspect confessed and was subsequently convicted. Two of the four received the death penalty, both of which were commuted to a life sentence years later. These cases instilled in me a dutiful awareness of the enormous responsibility and integrity investigators must exhibit in order to conduct a thorough, complete, and detailed investigation, devoid of influence from public pressure and personal opinion.

As the lead investigator in the Michael Hash (Culpeper 2012) exoneration case on behalf of the Innocence Project, I encountered uncooperative investigators from the original investigation, who were resistant to discuss the possibility that a miscarriage of justice may have occurred in their investigation. This resistance was amplified with the passage of time and concurrently with the advancement of their careers.

I respect the integrity of the established rule of law. As a result, I carefully weigh the known information and pursue discovering the truth of what yet must be resolved in order to provide a responsible, thorough, and complete investigation with the highest integrity.

The Derek and Nancy Haysom case was a complicated investigation involving two principals: Elizabeth Haysom and Jens Soering. Each one provided contradictory statements regarding who was physically responsible for committing the 1985 murders. The State eventually chose to believe Haysom and charged Soering as the person who traveled alone to Bedford County for the purpose of murdering Derek and Nancy Haysom.

This murder was a high-profile crime and received extensive media coverage. Over the course of more than 30 years, books have been published, a

documentary-styled television program nationally aired, a documentary movie is currently in circulation around the country and many television interviews have aired, all of which questioned the results of the original investigation and verdict. The guilt or innocence of Jens Soering has vigorously been debated for many years.

Subsequent to a Freedom of Information Act (FOIA) request I made, I obtained various documents generated by the Federal Bureau of Investigation pursuant to their assistance in the investigation. In an opening memorandum dated April 7, 1985, it sets forth, in part, that "Sheriff Wells requested the FBI conduct a psychological profile." In a Teletype dated May 8, 1985, it sets forth, in part, "FBI, Quantico performed psychological profile and believes Unsub(s) very closely related to victims." (Unsub(s) is a term that means unknown subject/subjects of the investigation).

I obtained a letter, not related to the FOIA request, dated June 18, 1985, written by James W. Updike, Jr., Commonwealth's Attorney for Bedford County, Virginia, to Thomas L. Phillips, Attorney at Law. Attached is a copy of the referenced letter and draft affidavit. Phillips represented a female who was an acquaintance of the Haysoms and a suspect in the murders. Updike desired to obtain fingerprints, blood samples and foot impressions from this female acquaintance. Attached to his letter was a separate typewritten document he wrote that "if made under oath in a proper affidavit form, would provide a sufficient basis for the issuance of a search warrant." In the body of this document it states, "Special Agent Edward F. Sulzbach of the Federal Bureau of Investigation who is trained in the field of compiling profiles of criminal suspects, viewed the scene and the evidence gathered during this investigation and stated the suspect was female and knew the victims. This affiant also viewed at the scene bloody footprints, which measured nine and one-half inches long. Further investigation determined that such a shoe size is consistent with a size six and one-half to seven women's shoe." Prior to his death, Agent Sulzbach was interviewed during the filming of a documentary and was asked about his participation in providing a profile to the Bedford County authorities. During this interview he confirmed having conducted a profile and said he provided the results to Bedford County.

Major Ricky Gardner of the Bedford County Sheriff's Department has publicly stated that no FBI profile was conducted. During one televised documentary, Gardner stated that if a profile existed it would have been "exculpatory evidence." The shoe print found at the crime scene rules out Mr. Soering and is consistent with Ms. Haysom's shoe size, which was observed by the Agent Sulzbach and was indeed exculpatory evidence if not revealed to the defense. It would appear that Gardner has been less than truthful and/or was kept in the dark regarding the existence of the profile. The prosecutor clearly knew of the exculpatory evidence and the view of Special Agent Sulzbach. Additionally, it is noted that Agent Sulzbach was not requested to testify at Soering's trial and neither was the affiant of the document sent to attorney Phillips.

The four main pillars of the prosecutor's case were (1) the alleged presence of Jens Soering's blood at the crime scene (later disproved through DNA), (2) the inaccurate and unreliable confession of Mr. Soering, (3) the (perjurious) trial testimony of Elizabeth Haysom, and (4) the testimony of an unqualified "expert" witness who testified regarding the bloody sock print not supported by science. The judge declined to give him expert witness status.

The Haysom crime scene can only be described as unthinkable carnage, allegedly committed by one person. Having spent the majority of my career investigating criminal matters, one develops a strong insight into human criminal behavior. In my opinion, it is highly questionable that a single individual could enter a residence occupied by two persons and control the situation while inflicting dozens of stab wounds to both occupants and nearly severing the head of one of the victims. This tragic event went beyond ending two lives. An enraged person delivered each thrust of the knife with powerful emotional intent. This type of rage takes years to develop and can be emboldened if under the influence of drugs or alcohol. Contradicting her trial testimony establishing the motive for the murder, Elizabeth Haysom told Frank Green of the Richmond Times-Dispatch in September 2016, that she lied about the motive at Mr. Soering's trial. The real reason, she asserts, is the sexual abuse committed by her mother against her during her teenage years. It should be noted that several photos of Elizabeth Haysom, posing in the nude, were located during the original crime scene search. They were alleged to have been taken by her mother.

Recent DNA testing of blood samples obtained from the crime scene indicates the possibility of one or even two unknown participants at the crime scene. A responsible and competent investigator, once advised of this possibility, would want to identify any previously unknown subjects who may have evaded the law. It is now known that Mr. Soering's blood was eliminated as a crime scene contributor, which the prosecutor said had to be Mr. Soering's because he was the only one with type O blood.

I believe scrutinizing or criticizing aspects of the original investigation and prosecution would be repetitive and unproductive at this date. I believe the reports previously submitted by Sheriff J. E. "Chip" Harding and retired detective Richard Hudson argue their position convincingly. In my opinion, with the advancement of DNA technology and evidentiary problems raised by Mr. Soering, it is highly unlikely the jury would find Soering guilty of physically committing the murders if tried today. The evidence appears to support a case for his innocence, except for being an accessory after the fact, a misdemeanor in 1985.

BIOGRAPHY

Born April 10, 1946, Chicago, Illinois

Military Service

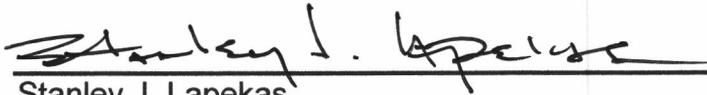
United States Army, 1966 - 1969. Served in Vietnam
Awarded Purple Heart

Education

BS American University, Washington, DC 1973

Employment

Special Agent, Federal Bureau of Investigation 1971-1998
Commissioner Virginia Charitable Gaming Commission 1998-2003
TurnStone Investigative Group, LLC 2003-2017



Stanley J. Lapekas
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