

DISTRICT COURT, COUNTY OF BOULDER, STATE OF COLORADO 1777 6 <sup>th</sup> Street P.O. Box 4249 Boulder, CO 80306	^ COURT USE ONLY ^
<b>Plaintiffs:</b> <b>FLEET RUSSELL WHITE, JR.</b> , an individual; and <b>PRISCILLA BROWN WHITE</b> , an individual  v.  <b>Defendant:</b>  <b>STANLEY L. GARNETT</b> , in his official capacity as the District Attorney for the Twentieth Judicial District	Case Number:  Division:
<b>Plaintiffs without attorney:</b> Fleet Russell White, Jr. Priscilla Brown White	
<b>COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE</b>	

Plaintiffs, Fleet Russell White, Jr. and Priscilla Brown White, proceeding without attorney, for their complaint against Defendant Stanley L. Garnett, in his official capacity as the District Attorney for the Twentieth Judicial District, allege as follows:

### INTRODUCTION

This action, brought pursuant to the Colorado Criminal Justice Records Act (“CCJRA”), §24-72-301, *et seq.*, C.R.S, seeks to secure access to certain criminal justice records or portions thereof from the custodian of such records, District Attorney Stanley L. Garnett (“Garnett”). The records relate to official actions of the 1998-1999 Boulder grand jury empaneled to investigate the death of JonBenet Ramsey (“Ramsey Grand Jury”). On information and belief, Plaintiffs allege that Garnett has in his custody, possession, or control certain criminal justice records constituting official actions of the Ramsey Grand Jury as defined by §24-72-302 (7), C.R.S. that have not been disclosed to the public. As set forth below, Plaintiffs seek, under the CCJRA, to

inspect and copy such records of official action the disclosure of which is mandatory under Colorado law.

### **JURISDICTION AND PARTIES**

1. This Court has jurisdiction over the claims herein under the CCJRA. §24-72-305(7), C.R.S.
2. Plaintiffs Fleet Russell White, Jr. and Priscilla Brown White are husband and wife and residents of Boulder Colorado. Both plaintiffs are police and prosecution witnesses in the JonBenet Ramsey homicide investigation and in that capacity gave sworn testimony to the Ramsey Grand Jury.
3. Each Plaintiff is a “person” as defined in the CCJRA. §24-72-302(9), C.R.S.
4. The District Attorney for the Twentieth Judicial District (“Boulder District Attorney”) is a “criminal justice agency” as defined in the CCJRA. §24-72-302(3), C.R.S.
5. Garnett is the duly elected District Attorney for the Twentieth Judicial District, State of Colorado. He is both the “custodian” and the “official custodian” of the criminal justice records at issue in this case. §§24-72-302(5) & (8), C.R.S.
6. The CCJRA affords to any person denied access to inspection of any criminal justice record the right to apply to the district court in the district wherein the record is found for an order directing the custodian of such record to show cause why said custodian should not permit the inspection of the record. A hearing on such application must be held at the “earliest practical time,” and, “[u]nless the court finds that the denial of inspection was proper, it shall order the custodian to permit such inspection.” §24-72-305(7), C.R.S.

### **BACKGROUND OF CURRENT CONTROVERSY**

7. On December 26, 1996, JonBenet Ramsey, age 6, was found dead in the basement of her family’s home in Boulder, Colorado. An autopsy and initial investigation indicated her death was caused by violent means. A criminal investigation ensued. Since that occurrence, and continuing until this day, the investigation of JonBenet’s homicide has been a matter of great public interest and concern. To date no one has been brought to court for criminal responsibility for JonBenet’s death.
8. On information and belief JonBenet’s parents, John and Patsy Ramsey, have attempted to cast suspicion on Plaintiffs in relation to the homicide.
9. On August 12, 1998, then-Governor Roy Romer and then-District Attorney for the Twentieth Judicial District Alex Hunter (“Hunter”) announced that the Ramsey homicide would be investigated by a grand jury to be empaneled by this Court of the Twentieth Judicial District. Shortly thereafter, the Ramsey Grand Jury was empaneled, sworn, and charged, and thereafter supervised by this Court.

10. On October 13, 1999, the Ramsey Grand Jury was discharged and Hunter announced “I and my prosecution task force believe we do not have sufficient evidence to warrant a filing of charges against anyone who has been investigated at this time.” Following Mr. Hunter’s announcement the public, including Plaintiffs, were left with the impression that the Ramsey grand jury had not indicted anyone for crimes related to JonBenet’s death. A true and correct copy of *No Indictments Returned in Ramsey Case*, WASHINGTON POST, October 14, 1999 is attached as Exhibit 1.  
(<http://www.washingtonpost.com/wp-srv/national/daily/oct99/jonbenet14.htm>)

11. On September 18, 2013, in *Charlie Brennan v. Stanley L. Garnett*, Case No. 13CV31393 (“*Brennan v. Garnett*”), plaintiffs Charlie Brennan and Reporters Committee for Freedom of the Press (“Brennan”) filed with this Court a Complaint and Application for Order to Show Cause pursuant to the CCJRA, §24-72-301, *et seq.*, C.R.S., alleging that:

(a) Garnett “has in his custody, possession, or control a document purporting to be an indictment that was duly voted upon by the Grand Jury to investigate the murder of JonBenet Ramsey, and duly signed by the Grand Jury foreperson, charging John Ramsey and Patsy Ramsey with the crime of child abuse resulting in death, a Class 2 felony, pursuant to § 18-6-401(7)(a)(I), C.R.S., which has not been officially disclosed to the public.” Complaint. Introduction, page 2.

(b) “Hunter elected not to sign the Indictment, and not to present it to the District Court, but to keep the Indictment secret from the general public.” Complaint ¶ 8 page 3.

(c) On or about March 13, 2013, Brennan sent an e-mail to Garnett requesting the opportunity to inspect and copy records described as “A true bill, or indictment, returned by the Boulder County Grand Jury in October 1999, pursuant to that body’s investigations and deliberations into the December 1996 death of JonBenet Ramsey.” Complaint ¶ 10, page 3.

(d) Although he denied Brennan’s request, Garnett “took the position that the question of whether the Indictment should be made available for inspection and copying should be decided by the Court and not the office of the District Attorney.” Complaint ¶ 13, page 5.

Brennan then asked the Court to enter an order directing Garnett to show cause why Brennan should not be allowed to inspect and copy the purported indictment and to conduct a hearing on the matter as required by statute. Complaint, page 5.

12. On October 11, 2013 this Court conducted a hearing in *Brennan v. Garnett* pursuant to the CCJRA, §24-72-305(7), C.R.S. at which hearing Garnett presented arguments for why Brennan should not be allowed to inspect the requested criminal justice records.

13. On October 17, 2013 this Court entered a Ruling and Order for Garnett to “show cause why he should not be required [to] disclose the requested documents.” Ruling and Order dated October 17, 2013 in *Brennan v. Garnett*. Page 4.

14. On October 18, 2013 Garnett filed a Response to Order to Show Cause/Motion for Leave to File under Seal “any such document in our possession for review by this court, and disclosure as the court deems appropriate.” Response To Order To Show Cause dated October 18, 2013 in *Brennan v. Garnett*. Page 2.

15. On October 21, 2013 in *Brennan v. Garnett*, this Court granted Garnett leave “to file any requested document under seal.”

16. On October 22, 2013 in *Brennan v. Garnett*, Garnett filed Notice of Filing Documents Under Seal by which Garnett submitted “documents” to this Court pursuant to the Court’s October 21, 2013 order.

17. On October 23, 2013 this Court entered an Order Directing Release of Official Action of Grand Jury stating the Court had reviewed the “documents” submitted by Garnett under seal that “consist of 18 pages, 9 each relating to John and Patsy Ramsey” and ordering that only “portions of the documents filed under seal by the District Attorney” be disclosed to Brennan and that such documents “shall be open for inspection effective October 25, 2013.” Order dated October 23, 2013 in *Brennan v. Garnett*. Page 2.

18. Pursuant to this Court’s October 23, 2013 order in *Brennan v. Garnett*, redacted portions of records of official actions by the Ramsey Grand Jury in the form of indictments were disclosed to Brennan and released to the public on October 25, 2013. Those documents evidenced the indictment of both John and Patsy Ramsey by the Ramsey Grand Jury for not only Child Abuse Resulting in Death, but also Accessory to a Crime. True and correct copies of the released documents as received by Plaintiffs from the Clerk of the Boulder District Court on March 31, 2014 are attached as Exhibit 2.

19. The online chronological register of actions maintained by the Clerk of the Boulder District Court shows the following file entries for October 25, 2013 in *Brennan v. Garnett*:

- (a) “Redacted Copy of Indictment Released Regarding John Bennett Ramsey”
- (b) “Redacted Copy of Indictment Regarding (sic) Patricia Paugh Ramsey”

A true and correct copy of the “Integrated Colorado Online Network” register of actions for *Brennan v. Garnett* as received by Plaintiffs from the Clerk of the Boulder District Court on March 31, 2014 is attached as Exhibit 3.

**CRIMINAL JUSTICE RECORDS REQUESTS**  
**THAT GAVE RISE TO THIS LITIGATION**

20. By letter addressed to Garnett dated January 31, 2014, Plaintiffs requested, pursuant to the CCJRA, to inspect and copy criminal justice records relative to the Ramsey Grand Jury that fall within three categories:

(1.) Any and all pages, papers and documents or sets of pages, papers and documents that individually or if placed together constitute either a “true bill” or an “official action” of said grand jury as that term is defined by C.R.S. §24-72-302 (7)

(2.) Any and all pages, papers and documents or sets of pages, papers and documents that individually or if placed together would be included in an “indictment” to be presented in open court pursuant to Rule 7 (a) of the Colorado Rules of Criminal Procedure including without limitation all captions, dates, certifications, signatures, markings and “essential facts which constitute the offense.”

(3.) All of those certain documents as submitted by you to the court pursuant to Order Directing Release of Official Action of Grand Jury dated October 22, 2013 in *Brennan vs. Garnett*, Boulder District Court case 2013 CV 31393.”<sup>1</sup>

Plaintiffs further requested that in the event the requested criminal justice records are not in Garnett’s custody or control, that Plaintiffs be notified as required by C.R.S. §24-72-303 (2) and C.R.S. §24-72-304 (2). Plaintiffs additionally requested that in the event Plaintiffs’ request for inspection was denied, that Plaintiffs be provided with a written statement of the grounds for the denial, citing the law or regulation under which access is denied as required by C.R.S. §24-72-305 (6). A true and correct copy of Plaintiffs’ January 31, 2014 letter to Garnett is attached as Exhibit 4.

21. Commencing February 4, 2014 and concluding March 11, 2014, Plaintiffs engaged in email correspondence with Sean Finn (“Finn”), Chief Trial Deputy, District Attorney of the Twentieth Judicial District regarding Plaintiffs’ January 31, 2014 request for criminal justice records. A true and correct copy of email correspondence between Plaintiffs and the Boulder District Attorney regarding this matter, arranged chronologically and numbered #1 through #18 for reference, is attached hereto as Exhibit 5.

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<sup>1</sup> Category 3 in Plaintiffs’ January 31, 2014 letter to Garnett erroneously referred to an October 22, 2013 Order Directing Release of Official Action of Grand Jury in *Brennan v. Garnett*. In a subsequent letter addressed to Garnett dated April 4, 2014 attached hereto as Exhibit 6, Plaintiffs made a correction by restating Category 3 as follows:

*3. All of those certain documents as submitted by you to the court pursuant to Ruling and Order to Show Cause entered October 17, 2013 in Brennan v. Garnett, Boulder District Court case 2013 CV 31393.*

22. On February 4, 2014, Plaintiffs received an email from Finn in which he inexplicably avoided the substance of Plaintiffs' January 31, 2014 request for criminal justice records by instead directing us to the court or to a newspaper website to access the documents released by the Court on October 25, 2013 in *Brennan v. Garnett*, and offering to provide Plaintiffs with copies of the District Attorney's "filings" in *Brennan v. Garnett*. See Exhibit 5 Email #2.

23. In a second email dated February 6, 2014, Finn informed Plaintiffs that he had "compiled documents for you in connection with your request to inspect records in connection with [*Brennan v. Garnett*] 2013CV31393." Mr. Finn added "These documents constitute the filings in the case, but obviously do not include those documents the court ruled were not publicly (sic) releaseable in connection with the underlying grand jury investigation." Finn attached an invoice to the email and instructed Plaintiffs to "pick the documents up" at the District Attorney's office. See Exhibit 5 email #3.

24. On February 6, 2014, Plaintiffs responded to Finn. See Exhibit 5 Email #4. Further email correspondence between Finn and Plaintiffs ensued concluding with Plaintiffs' March 11, 2014 email to Finn. See Exhibit 5 emails #5 to #18.

25. On April 4, 2014, Plaintiffs wrote a letter addressed to Garnett asking for clarification and confirmation regarding the substance of our email correspondence with Finn. On page 1 of that letter Plaintiffs asked Garnett to confirm the following:

Category 1 and 2 criminal justice records as described in our January 31, 2014 letter:

With respect to criminal justice records in Category 1 and 2 of our January 31, 2014 letter, please confirm Mr. Finn's affirmation that the only such criminal justice records in the custody and control of the Boulder District Attorney are those criminal justice records that were submitted to the Boulder District Court by your office pursuant to the court's Ruling and Order to Show Cause entered October 17, 2013 in *Brennan v. Garnett*, Case No. 2013 CV 31393. (See Whites' e-mail #14 and #16 and Mr. Finn's e-mail #15 and #17, both dated March 11, 2014)

On page 2 of that letter Plaintiffs asked Garnett for the following confirmations:

Category 3 criminal justice records as described in our January 31, 2014 letter:

In its Order Directing Release of Official Action of Grand Jury entered October 23, 2013 in *Brennan v. Garnett*, the court stated:

"The court has now reviewed the documents submitted under seal. The documents consist of 18 pages, 9 each relating to John and Patricia Ramsey."

With regard to the 18 pages of criminal justice records submitted by your office to the court in *Brennan v. Garnett*:

(1) Please confirm Mr. Finn's affirmation that the redactions made to the 4 pages that were publicly released pursuant to the court's October 23, 2013 order in *Brennan v. Garnett* were made by the court and not by your office prior to submission to the court. (See Whites' e-mail #8 dated February 26, 2014; Mr. Finn's email #9 dated February 28, 2014; Whites' email #10 dated February 28, 2014; and Mr. Finn's email #11 dated March 7, 2014.)

(2) Please confirm Mr. Finn's position that your office is denying us the opportunity to inspect and copy the 18 pages of criminal justice records in the form they were submitted by your office to the court in *Brennan v. Garnett*. (See the following e-mails from Mr. Finn: email #3 dated February 6, 2014; email #5 dated February 11, 2014; #7 dated February 26, 2014; and e-mail #9 dated February 28, 2014)

(3) Please confirm Mr. Finn's position as expressed in the attached emails that the Boulder District Attorney's grounds for such denial are the rulings and orders of the court in *Brennan v. Garnett*, Case No. 2013 CV 31393, specifically the court's Ruling and Order to Show Cause entered October 17, 2013 and Order Directing Release of Official Action of Grand Jury entered October 23, 2013.

A true and correct copy of Plaintiffs' April 4, 2014 letter (without enclosures) is attached as Exhibit 6.

26. On April 14, 2014, Garnett responded to Plaintiffs' letter by confirming "all three requests on page 2 of your letter." Thus, Garnett confirmed Finn's statements and positions as to the 18 pages of criminal justice records submitted by Garnett to the court in *Brennan v. Garnett* but specifically avoided confirmation of Finn's March 11, 2014 assertion that those 18 pages are the only records in the custody and control of the Boulder District Attorney falling within Category 1 and 2 of Plaintiffs' January 31, 2014 letter. A true and correct copy of Garnett's April 14, 2014 letter is attached as Exhibit 7.

27. On May 7, 2014, Plaintiffs wrote a letter addressed to Garnett asking for his confirmation of Finn's March 11, 2014 assertion regarding criminal justice records in the custody and control of the Boulder District Attorney falling within Category 1 and 2 of Plaintiffs' January 31, 2014 letter. A true and correct copy of Plaintiffs' May 7, 2014 letter (without attachments) is attached as Exhibit 8.

28. On May 28, 2014, Plaintiffs wrote a letter addressed to Garnett asking for a reply to our May 7, 2014 letter stating:

In the absence of a response, we will assume that by your April 14, 2014 letter you intended to not confirm Mr. Finn's prior affirmation that the only criminal justice records in the custody and control of the Boulder District Attorney falling within Categories 1 and 2 as described in our January 31, 2014 letter are those

criminal justice records that were submitted by your office to the Boulder District Court pursuant to the court's Ruling and Order to Show Cause entered October 17, 2013 in *Brennan v. Garnett*, Case No. 2013 CV 31393.

Accordingly, we hereby request that you immediately (1) identify in writing any criminal justice records in the custody and control of your office falling within Categories 1 and 2 as described in our January 31, 2014 letter other than those criminal justice records that were submitted to the court in Case No. 2013 CV 31393; and (2) make such records available for inspection and copying pursuant to § 24-72-303, C.R.S., and *People v. Thompson*, 181 P.3d 1143 (Colo. 2008).

A true and correct copy of Plaintiffs' May 28, 2014 letter is attached as Exhibit 9.

29. On June 8, 2014, Garnett responded to Plaintiffs' letters of May 7 and May 28, 2014, by stating:

"All of Mr. Finn's statements on this subject have been accurate. I regret to inform you that we either do not have, or cannot legally disclose any of the documents you seek."

A true and correct copy of Garnett's June 8, 2014 letter is attached as Exhibit 10.

30. On June 9, 2014, Plaintiffs wrote a letter addressed to Garnett bringing to his attention that at no time since making the January 31, 2014 criminal justice records request were Plaintiffs notified that records included in that request are not in Garnett's custody and control. Further, in order to proceed pursuant to §24-72-305 (7), C.R.S., Plaintiffs asked Garnett to identify which of the requested documents were not in his custody and control and which of the requested documents he could not legally disclose:

With regard to your statement that "we either do not have, or cannot legally disclose, any of the documents you seek":

(1.) Our January 31, 2014 letter contains a request, pursuant to C.R.S. § 24-72-303 (2) and C.R.S. § 24-72-304 (2), that you notify us in in writing if your agency does not have custody and control of requested criminal justice records. Please now comply with these provisions of the law and immediately notify us as to the identities of such records, the reason for the absence of those records from your custody and control, and the identities of the criminal justice agency and person with custody and control thereof.

(2.) Please identify those criminal justice records that we seek which are in your custody and control, but that you "cannot legally disclose."

A true and correct copy of Plaintiffs' June 9, 2014 letter is attached as Exhibit 11.

31. On June 10, 2014, Garnett responded to Plaintiffs' June 9, 2014 letter by stating simply:

Your recent letter is mere sophistry. I have nothing further to say. Take whatever action you believe to be appropriate.

By thus refusing to specify which of the requested criminal justice records are not in his custody and control and which of the requested criminal justice records he "cannot legally disclose", Garnett has placed Plaintiffs in a position of being unable to specify to this Court for the purposes of §24-72-305 (7), C.R.S. which of the requested documents Garnett is refusing to disclose to Plaintiffs. A true and correct copy of Garnett's June 10, 2014 letter is attached as Exhibit 12.

32. All of the criminal justice records that Plaintiffs seek to inspect and copy through this litigation reflect official action by the Ramsey Grand Jury and accordingly are subject to mandatory disclosure upon request pursuant to §§24-72-303 & 304 C.R.S. and *People v. Thompson*, 181 P 3.d 1143 (Colo. 2008).

WHEREFORE, Plaintiffs, Fleet Russell White, Jr. and Priscilla Brown White, pursuant to §24-72-305 (7), C.R.S., respectfully request that:

- (a) The Court enter an order directing Defendant to identify to Plaintiffs which of the criminal justice records described in Plaintiffs' January 31, 2014 request letter, attached hereto as Exhibit 4, Defendant and the Boulder District Attorney "do not have" and which of the criminal justice records described in said request letter Defendant "cannot legally disclose" and to otherwise comply with §24-72-303 (2) and C.R.S. §24-72-304 (2) C.R.S..
- (b) The Court enter an order directing Defendant to show cause why Defendants should not comply with §§24-72-303 & 304 C.R.S. and *People v. Thompson*, 181 P 3.d 1143 (Colo. 2008) by permitting Plaintiffs to inspect and copy all criminal justice records identified in Plaintiffs' January 31, 2014 request letter, attached hereto as Exhibit 4, that are in the custody and control of Defendant.
- (c) The Court conduct a hearing pursuant to such order "at the earliest practical time" as required by §24-72-305 (7), C.R.S., and after such hearing to make the Show Cause Order absolute.

Dated: July 3, 2014.

  
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Fleet Russell White, Jr.

  
\_\_\_\_\_

Priscilla Brown White

# EXHIBIT 1

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

*No Indictments Returned in Ramsey Case, WASHINGTON POST, October 14, 1999*

## No Indictments Returned in Ramsey Case

By Tom Kenworthy  
Washington Post Staff Writer  
Thursday, October 14, 1999; Page A1

BOULDER, Colo. Oct. 13—An intensive 13-month investigation into the celebrated homicide of 6-year-old JonBenet Ramsey ended this afternoon when local prosecutors announced that a grand jury had completed its probe without filing any charges in the case.



Boulder District Attorney Alex Hunter held a press conference to announce the grand jury decision. (AP)

The news appeared to increase the likelihood that no clear answer will ever come to the question that has gripped the nation since the young beauty queen's lifeless body was found the day after Christmas three years ago -- "Who killed JonBenet?" But authorities here will doubtless continue to investigate the killing, for which there is no statute of limitations.

"The Boulder grand jury has completed its work and will not return," Boulder District Attorney Alex Hunter told a huge crowd of reporters gathered near the city's Justice Center. "I, and my prosecution task force, believe we do not have sufficient evidence to warrant the filing of charges against anyone who has been investigated at this time."

Hunter declined to answer questions about the grand jury's work, which is secret, so it could not be determined whether prosecutors asked for a vote on an indictment.

The decision to end the grand jury's term without issuing an indictment in the slaying represents a validation of Hunter's own refusal to charge anyone during an investigation that was roundly criticized here by police authorities who pressed for an arrest. It leaves lingering questions about a homicide case that captured worldwide attention and provided constant grist for the tabloid mill from the moment JonBenet's body was discovered in the basement of her parents' home and the world came to know her as the reigning Little Miss Colorado, an artfully made-up youngster prancing across a stage in a pink cowgirl outfit.

Saying "the Ramsey family lives in a nightmare" of endless "public lynching and speculation," JonBenet's parents issued a statement tonight asking that the investigation continue. "We take no satisfaction in this result because a child killer remains free and undetected."

They may get their wish. Colorado Gov. Bill Owens (R) said he is considering taking the unusual step of giving the case to a special prosecutor.

"Everyone is disappointed with the fact that there isn't enough evidence, at this time, to indict," Owens said tonight. "As governor, I have the power to appoint a special prosecutor. I am reviewing this option and will make a decision shortly."

The grand jury's decision for now clears suspicions that JonBenet's parents, John and Patsy Ramsey, were involved in the girl's death. The couple have steadfastly maintained their innocence, despite police statements that they were under suspicion and widespread speculation that one or both of them were involved in the death of the beautiful young girl with the starlet's smile and poise.

JonBenet Ramsey's body was discovered by her father in a basement room of the family's \$760,000, 15-room, Tudor style house about 1 p.m. on the day after Christmas, about seven hours after her parents reported to police that she apparently had been abducted. She had been strangled with a crude garrote made from the broken handle of a paint brush, her skull was fractured, and she showed signs of sexual abuse.

A purported ransom note asked that \$118,000 be paid to a "foreign faction." Almost from the outset, JonBenet's parents -- John Ramsey, the chief executive officer of Access Graphics, a Boulder computer firm, and his wife Patsy, a former Miss West Virginia -- were considered logical suspects. Investigation commander and now Boulder Police Chief Mark Beckner said they were under "an umbrella of suspicion," a judgment reinforced by the Ramseys' initial refusal to consent to interviews with authorities and their retention of separate lawyers.

The Ramseys eventually went through two separate rounds of interviews with authorities.

"I would have given my life for JonBenet," said John Ramsey in a British television documentary.

"Absolutely not," replied Patsy Ramsey when asked if she played any role in her daughter's death.

From the very first, the case was marked by criticisms of a police force portrayed as inept, and infighting between police and Hunter, who in nearly 30 years as Boulder County prosecutor has earned a reputation as someone who is sometimes reluctant to take cases to court. "Boulder County expects people to be innovative," he told the Denver Post this year, defending his interest in alternative forms of treatment.

Boulder police at the scene of the crime were criticized for allowing the Ramseys and several friends to wander freely through the house for seven hours after they reported their child had been kidnapped. Police allowed John Ramsey and two friends to look around the house, a search that turned up JonBenet's body. That, said critics, may have fatally compromised key evidence.

Prosecutors, in turn, were criticized for being too cozy with some of the battery of lawyers hired by the Ramseys and being overly reluctant to bring charges.

At times, the Boulder law enforcement community seemed at war with itself and shattered by the case. Among the developments over nearly three years:

Police Chief Tom Koby, who had confidently predicted that "our man won't walk," resigned.

Detective Steve Thomas, one of the original investigators, alleged the prosecutor's office had "thoroughly compromised" the probe.

Sgt. Larry Mason filed a lawsuit after being removed from the investigation because of suspicions he had leaked information to reporters.

Detective Linda Arndt, criticized for lax control of the crime scene, also sued the department and Koby alleging they had violated her rights to free speech rights by preventing her from speaking out. She appeared earlier this year on "Good Morning America" and said she knows who the killer is but the "the person who killed JonBenet will not see justice as we would like to see."

Another key investigator, Lou Smit, resigned a year ago, saying the Boulder police in pursuing the Ramseys were "going in the wrong direction." He could not, said Smit, "in good conscience be part of the persecution of innocent people."

Hunter, according to a book published by Lawrence Schiller, "Perfect Murder, Perfect Town," used tabloid reporters to dig up dirt on a police commander who was the lead detective in the case.

If all that seemed like a running soap opera, the tabloids -- print and television -- treated it as one.

During the life of the case, according to Anne Imeson, research coordinator at NewsTV Corp., more than 300 reports aired on the Ramsey case on the top evening tabloid television shows and the major networks' flagship magazine shows.

In their statement tonight, the Ramseys asked that the investigation be renewed by the detectives who were removed in 1998: "This crime cannot be solved by those who close their minds to any lead which is inconsistent with their biases."

With the crime scene so compromised, the infighting among authorities, and critical unexplained evidence such as unidentified DNA found in JonBenet's underpants and under her fingernails, legal experts said it would have been extremely difficult, if not impossible, to win a conviction in the case.

"If there were an indictment for first-degree murder, it would have been virtually impossible to get a conviction," said Andrew Cohen, a Denver legal commentator who has followed the case closely. "Sometimes cases just don't get solved."

*Staff researcher Nathan Abse in Washington contributed to this report.*

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PRINT EDITION	TOP NEWS	WORLD	NATION	POLITICS	METRO	BUSINESS & TECH	HEALTH	OPINION	WEATHER

**Yellow Pages**

# EXHIBIT 2

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

*Redacted portions of indictments of John and Patsy Ramsey released on October 25, 2013*

COUNT VII

On or about December 25, and December 26, 1996 in Boulder County, Colorado,  
John Bennett Ramsey did unlawfully, knowingly and feloniously render assistance to a  
person, with intent to hinder, delay and prevent the discovery, detention, apprehension,  
prosecution, conviction and punishment of such person for the commission of a crime,  
knowing the person being assisted has committed and was suspected of the crime of  
Murder in the First Degree and Child Abuse Resulting in Death.

As to Count VII, Accessory to a Crime:

A TRUE BILL

Signature Redacted

NO TRUE BILL

\_\_\_\_\_  
Foreman

DATE FILED: October 25, 2013

**COUNT IV (a)**

On or between December 25, and December 26, 1996, in Boulder County, Colorado, John Bennett Ramsey did unlawfully, knowingly, recklessly and feloniously permit a child to be unreasonably placed in a situation which posed a threat of injury to the child's life or health, which resulted in the death of JonBenet Ramsey, a child under the age of sixteen.

As to Count IV (a), Child Abuse Resulting in Death:

**A TRUE BILL**

Signature Redacted

**NO TRUE BILL**

\_\_\_\_\_  
Forman

DATE FILED: October 25, 2013

**COUNT IV (a)**

On or between December 25, and December 26, 1996, in Boulder County, Colorado, Patricia Paugh Ramsey did unlawfully, knowingly, recklessly and feloniously permit a child to be unreasonably placed in a situation which posed a threat of injury to the child's life or health, which resulted in the death of JonBenet Ramsey, a child under the age of sixteen.

As to Count IV (a), Child Abuse Resulting in Death:

**A TRUE BILL**

Signature Redacted

**NO TRUE BILL**

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Forman

COUNT VII

On or about December 25, and December 26, 1996 in Boulder County, Colorado, Patricia Paugh Ramsey did unlawfully, knowingly and feloniously render assistance to a person, with intent to hinder, delay and prevent the discovery, detention, apprehension, prosecution, conviction and punishment of such person for the commission of a crime, knowing the person being assisted has committed and was suspected of the crime of Murder in the First Degree and Child Abuse Resulting in Death.

As to Count VII, Accessory to a Crime:

A TRUE BILL

Signature Redacted

NO TRUE BILL

\_\_\_\_\_  
Foreman

# EXHIBIT 3

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

March 31, 2014 “Integrated Colorado Online Network” register of actions for *Brennan v. Garnett*

3/31/14 @ 2 pm

INTEGRATED COLORADO ONLINE NETWORK (ICON)

Status: CLSD District Court, Boulder County
Case #: 2013 CV 031393 Div/Room: COC Type: Other
BRENNAN, CHARLIE et al VS GARNETT, STANLEY L

Case File Date: 9/18/2013 Case Close Date: 10/25/2013 DV STATUS:
Appealed: N
Confidential Intermediary.....:

Judicial Off...: Bar # Name
006859 JOHN ROBERT LOWENBACH
Alt Jud Officer: 026550 ROBERT GUNNING

Description Stat Date Time Rm/D
Trial.....: 0:00
Next Schd Event: 0:00
Last Schd Event: Review VACT 11/18/2013 6:00 A
Last Event.....: Case Closed n/a 10/25/2013

Attorney(s).....: Y +

Judgements.....:N
Motions Filed.....:Y

Amount Prayed for.....: .00

Jury Fee Paid.....:N

----- PARTIES -----

PARTY ROL STS NAME ATTORNEY ROL
PTF 1 GARNETT, STANLEY L FINN, SEAN PATRICK DDA
Business Address.....: Office of the District Attorney
: 1777 6th St
: Boulder, CO 80306
PTF 1 BRENNAN, CHARLIE KELLEY, THOMAS BUCHAN et al PRV
Business Address.....: Daily Camera
: 5450 Western Ave
: Boulder, CO 80301
PTF 2 REPORTERS COMMITTEE FOR FREE KELLEY, THOMAS BUCHAN et al PRV
Business Address.....: 1101 Wilson Blvd
: Ste 1100
: Arlington, VA 22209

FILE DATE EVENT DESCRIPTION Event ID: E-Filed:
09/18/2013 Complaint 000001 J
PTF/ REPORTERS COMMITTEE FOR FREEDOM OF
PTF/ BRENNAN, CHARLIE
Complaint and Application For Order to Show Cause C3C720A191B88
09/18/2013 Exhibits Filed 000003 J
PTF/ REPORTERS COMMITTEE FOR FREEDOM OF
PTF/ BRENNAN, CHARLIE
Exhibits C3C720A191B88
09/18/2013 Summons 000004 J
PTF/ REPORTERS COMMITTEE FOR FREEDOM OF
PTF/ BRENNAN, CHARLIE
Summons C3C720A191B88
09/19/2013 Waiver of Service 000005 J

3/31/14 @ 2 PM

FILE DATE EVENT DESCRIPTION

PTF/ BRENNAN, CHARLIE

PTF/ REPORTERS COMMITTEE FOR FREEDOM OF

Waiver of Service signed by Stan Garnett on 9-18-13 93E15EAD2F458

09/20/2013 Minute Order (No Print) Event ID: 000006 E-Filed: J

Minute Order - No Print

10/02/2013 Notice of Hearing Event ID: 000007 E-Filed: J

PTF/ BRENNAN, CHARLIE

PTF/ REPORTERS COMMITTEE FOR FREEDOM OF

Notice of Hearing 7897B27181A59

10/07/2013 Request Filed Event ID: 000008 E-Filed: J

PTF/ BRENNAN, CHARLIE

Request for Expanded Media Coverage

10/07/2013 Order Event ID: 000009 E-Filed: J

Ruling: GRANTED, Document Title: Order: Request for Expanded Media Coverage

Related Event RQST Request Filed 10/07/2013

10/08/2013 Answer Event ID: 000010 E-Filed: J

DEF/ GARNETT, STANLEY L

Answer 5E2D0C01FC70F

10/08/2013 Response Event ID: 000011 E-Filed: J

DEF/ GARNETT, STANLEY L

RESPONSE TO ORDER TO SHOW CAUSE 5E2D0C01FC70F

10/09/2013 Brief Filed Event ID: 000012 E-Filed: J

PTF/ REPORTERS COMMITTEE FOR FREEDOM OF

PTF/ BRENNAN, CHARLIE

10/09/2013 Exhibits Filed Event ID: 000013 E-Filed: J

PTF/ REPORTERS COMMITTEE FOR FREEDOM OF

PTF/ BRENNAN, CHARLIE

10/11/2013 Request Filed Event ID: 000014 E-Filed: J

Request by KMGH-TV for expanded media coverage

10/15/2013 Minute Order (No Print) Event ID: 000015 E-Filed: J

MINUTE ORDER - THE COURT TOOK THE MATER UNDER ADVISEMENT AND WILL ISSUE A

WRITTEN ORDER /DLC

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	PRI
10/15/2013	Hearing	10/11/2013	01:30 PM	E	
	Officer: JOHN ROBERT LOWENBACH		Length: 1.00 Hour(s)		
	Status.: HELD-Hearing Held				

10/17/2013 Order Event ID: 000016 E-Filed: J

Ruling: APPROVED, Document Title: Order to show cause

10/18/2013 Response Event ID: 000017 E-Filed: J

DEF/ GARNETT, STANLEY L

Response to Order to Show Cause/Motion for Leave to File Under Seal

F49BE3046E02E

10/21/2013 Order Event ID: 000018 E-Filed: J

Ruling: GRANTED, Document Title: Order: Response to Order to Show Cause/Motion

for Leave to File Under Seal

Related Event RSPN Response 10/18/2013

10/21/2013 Motion Event ID: 000019 E-Filed: J

PTF/ REPORTERS COMMITTEE FOR FREEDOM OF

PTF/ BRENNAN, CHARLIE

Confession of Defendant's Motion to Submit Document Under Seal and Request for

Release of Criminal Justice Record 33DCFCE5BFC6B

10/21/2013 Letter Event ID: 000020 E-Filed: J

DEF/ GARNETT, STANLEY L

Letter 6D1BF6891B303

3/21/14 @ 2 pm

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	PRI
10/21/2013	Notice Filed				
	DEF/ GARNETT, STANLEY L	Event ID: 000021		E-Filed: J	
	Notice of Filing 6D1BF6891B303				
	Related Event LETR Letter				10/21/2013
'22/2013	Notice Filed	Event ID: 000022		E-Filed: J	
	DEF/ GARNETT, STANLEY L				
	Notice of Filing Documents Under Seal EE271F9B889F2				
10/23/2013	Order	Event ID: 000025		E-Filed: J	
	Order Directing Release of Official Action of Grand Jury				
10/25/2013	Filing Other	Event ID: 000026		E-Filed: J	
	Redacted Copy of Indictment Released Regarding John Bennett Ramsey				
10/25/2013	Filing Other	Event ID: 000027		E-Filed: J	
	Redacted Copy of Indictment Regading Patricia Paugh Ramsey				
10/25/2013	Case Closed	Event ID: 000028		E-Filed: N	
11/13/2013	Review	11/18/2013	06:00 AM	COC	
	Officer: Debra L Crosser			Length: 1.00 Hour(s)	
	Status.: VACT-Vacated				

End of Case: 2013 CV 031393

# EXHIBIT 4

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Plaintiffs' January 31, 2014 letter to Garnett

Fleet Russell White, Jr. and Priscilla Brown White

January 31, 2014

Stanley Garnett, District Attorney  
Twentieth Judicial District  
1777 Sixth Street  
Boulder, Colorado 80302

Dear Mr. Garnett,

Pursuant to the Colorado Criminal Justice Act, C.R.S. §24-72-301 et seq, please consider this to be a request to make available for inspection and copying the following described "criminal justice records" and/or records of "official action" that are in your custody and control.

With regard to the 1998-1999 Boulder County Grand Jury proceedings concerning the December 1996 death of JonBenet Ramsey:

- 1. Any and all pages, papers and documents or sets of pages, papers and documents that individually or if placed together constitute either a "true bill" or an "official action" of said grand jury as that term is defined by C.R.S. §24-72-302 (7)*
- 2. Any and all pages, papers and documents or sets of pages, papers and documents that individually or if placed together would be included in an "indictment" to be presented in open court pursuant to Rule 7 (a) of the Colorado Rules of Criminal Procedure including without limitation all captions, dates, certifications, signatures, markings and "essential facts which constitute the offense."*
- 3. All of those certain documents as submitted by you to the court pursuant to Order Directing Release of Official Action of Grand Jury dated October 22, 2013 in Brennan vs. Garnett, Boulder District Court case 2013 CV 31393.*

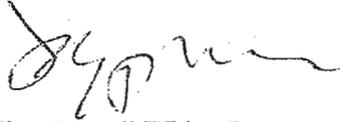
If the requested records are not in your custody or control, please notify us, as required by C.R.S § 24-72-303 (2) and C.R.S § 24-72-304 (2), in writing. If the requested records are in active use, storage or otherwise not readily available, please notify us, as required by C.R.S § 24-72-303 (3), in writing, and set a date and time by which you will provide copies of the requested records. If the requested records are in the custody and control of a central repository for criminal justice records, please notify us when and to whom you have forwarded this request, as required by C.R.S § 24-72-304(3). If you deny this request, please provide us with a written statement of the grounds for the denial, citing the law or regulation under which access is denied, as required by C.R.S § 24-72-305 (6).

We can be contacted at the street address, phone or e-mail address provided above. If the requested records are already in electronic format, we are amenable to receiving them via email in order to save time and costs. If, nevertheless, there is any cost associated with your provision of the requested records, please contact us as soon as possible, and notify us of all costs associated with this request before incurring any such cost. We will not be responsible for any costs unless and until approved in advance.

Stanley Garnett, District Attorney  
January 31, 2014  
Page Two

We look forward to your prompt response.

Sincerely,



Fleet Russell White, Jr.



Priscilla Brown White

# EXHIBIT 5

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Email correspondence between Plaintiffs and the Boulder District Attorney

#1

Subj: **Records request**  
Date: 1/31/2014 5:20:52 P.M. Mountain Standard Time

Mr. Garnett,

Please find attached our request to inspect and copy "criminal justice records" and/or records of "official action" as specified therein.

Thank you,

Fleet and Priscilla White

#2

Subj: **Fwd: Records request**  
Date: 2/4/2014 7:21:54 A.M. Mountain Standard Time

Mr. White,

I am in receipt of your request. With regard to documents constituting a true bill or indictment, the only documents the court released can be obtained from the court, and are available through the court for public inspection. (I believe these documents were also published on the Daily Camera website.) With regard to our filings in that matter, I can certainly compile those for you. If there's something in particular you're looking for, please let me know.

Regards,  
Sean Finn  
Chief Trial Deputy

Sent from my iPhone

#3

Subj: **RE: Records request**  
Date: 2/6/2014 4:46:07 P.M. Mountain Standard Time

Mr. & Mrs. White,

I have compiled documents for you in connection with your request to inspect records in connection with 2013CV31393. These documents constitute the filings in the case, but obviously do not include those documents the court ruled were not publically releasable in connection with the underlying grand jury investigation. I have attached an invoice to this email, which is payable at our front at the time you pick the documents up. Should you have any questions, please do not hesitate to contact me.

Regards,

**Sean P. Finn**  
Chief Trial Deputy  
District Attorney, 20th Judicial District

#4

Subj: **Re: Records request**  
Date: 2/7/2014 12:55:38 A.M. Mountain Daylight Time

Mr. Finn,

We have received your February 4 and February 6 emails. Thank you for promptly responding to our January 31 letter request for "criminal justice records" and/or records of "official action."

We are, however, puzzled by your response.

First, the pleadings in 2013CV31393 are not included in our request. What we clearly requested relative to 2013CV31393 are the 18 pages that your office, as custodian, submitted to the court in response to plaintiff's request and the court's orders. Your February 6 email implied that the court ruled that some of the 18 documents are "not publicly releasable in connection with the underlying grand jury investigation." We are not aware of any such ruling. We are only aware that the court deemed 4 of the 18 pages submitted by your office to be records of official action that must be open to inspection. The remaining 14 pages submitted to the court are criminal justice records other than records of official action, and may be open to inspection at the discretion of the custodian pursuant to C.R.S. 24-72-301 et seq. Further, because the 4 pages released by the court have redactions, we are requesting to inspect each of the 18 pages in the form the pages were submitted to the court by your office.

Secondly, we will appreciate a response from your office that directly addresses each of the 3 categories of documents included in our January 31 request. If you deny access to any of these criminal justice records, please provide us with a written statement of the grounds for the denial as requested in our January 31 letter and required by C.R.S. 24-72-305 (6).

Thank you for assistance in this matter.

Fleet and Priscilla White

#5

Subj: **RE: Records request**  
Date: 2/11/2014 11:52:44 A.M. Mountain Standard Time

I'm sorry, we seem to be talking past each other. This issue was litigated in the case referenced below, and the court held that only 4 pages could be released. The remaining pages are not publicly available pursuant to that ruling. If there's anything I can do to help, including getting you a copy of that ruling, I would be happy to do so, but I must deny your request. If we were to release the documents you request, we would be in contempt of court, both for violating grand jury secrecy rules, and for violating the court's order.

With regard to your request that I answer each category of your request, each category seems to be seeking the same set of documents. Am I mistaken about that?

**Sean P. Finn**  
Chief Trial Deputy  
District Attorney, 20th Judicial District

#6

Subj: **Re: Records request**  
Date: 2/24/2014 10:49:16 A.M. Mountain Standard Time

Mr. Finn,

Thank you for offering, but we have copies of the court's rulings and orders in 2013CV31393, just as we have copies of all filings in the case.

In its October 23 Order Directing Release of Official Action of Grand Jury, the court does not appear to order anything other than the release of those "official actions in the nature of indictments" against John and Patsy Ramsey that were "at issue" in the litigation. Specifically, an indictment of JonBenet's parents, John Bennett Ramsey and Patsy Ramsey, for the crime of child abuse resulting in death, a Class 2 felony... (Plaintiffs' Hearing Brief, October 9, 2013, page 2.) The court's October 23 order does, however, deny the request of John Ramsey for the release of the "entire record of the Grand Jury" that was made through his attorneys in a letter dated October 20 addressed to your office since "transcripts of proceedings as well as other evidence submitted to a Grand Jury do not constitute 'official action' as defined by §24-72-302..." Presumably, the criminal justice records that your office delivered to the court on October 18 in response to the court's October 17 Order and Ruling to Show Cause did not include any such materials, and there is certainly nothing in the court's October 23 order that characterizes the remaining 14 pages as such. Thus, those pages are criminal justice records that are open to inspection and copying subject to §24-72-301 et seq.

Please point out to us where, as you claim, the court in 2013CV31393 ruled that any of the criminal justice records we seek within the three categories stated in our January 31 letter are "not publicly releaseable in connection with the underlying grand jury investigation" or where the court has otherwise limited or restricted the Boulder District Attorney's discretion as official custodian to publicly disclose such records. If you wish to deny our request on other grounds, please cite the law or regulation under which access is denied, as requested in our January 31 letter and required by §24-72-305 (6).

To clarify, in Categories 1 and 2 of our January 31 letter we are seeking records that may or may not be included in Category 3 and may or may not relate to the indictment(s) that was at issue in 2013CV31393. In Category 3 we are simply asking to inspect and copy each of the "eighteen pages" as they were delivered to the court by your October 18, 2013 Response to Order to Show Cause/Motion for Leave to File Under Seal.

We look forward to your timely response.

Thank you,

Fleet and Priscilla White

#7

Subj: **Re: Records request**  
Date: 2/26/2014 7:32:29 A.M. Mountain Standard Time

Again, I'm sorry if you disagree with my interpretation of the court's order. The court had the discretion to disclose whatever it believed was subject to disclosure under applicable law. After hearing the positions of both sides and reviewing the submitted pages, it was the court, not this office, that had the final word, which is as it should be. It seems equally clear that we are not free to disclose more than the court deemed appropriate. I believe we would be in contempt of court if we were to circumvent the order by disclosing additional materials to you. For these reasons, and those set forth in the briefs and orders you already have, I'm afraid your request must be denied.

Sent from my iPhone

#8

Subj: **Re: Records request**  
Date: 2/26/2014 10:33:40 A.M. Mountain Standard Time

Mr. Finn,

Thank you for your reply.

We understand that you are denying our request to inspect and copy those records in category 3 of our January 31, 2014 request letter that are not among the four (4) pages that were ordered released by the court on October 23, 2013.

We would now appreciate receiving a response to our request to inspect and copy the following records:

1. The above-referenced four pages in the form they were delivered to the court by your motion dated October 18, 2013.
2. Any criminal justice records falling within categories 1 and 2 as specified in our January 31 request letter, other than the four pages referenced above and the pages to which you have denied access.

Thank you again for your assistance, Please do not hesitate to contact us with any questions or if you need clarification regarding this request.

Fleet and Priscilla White

#9

Subj: **RE: Records request**  
Date: 2/28/2014 8:36:27 A.M. Mountain Standard Time

Again, if we supplied documents to the court and the court felt that they were only releasable in their redacted form, it would be a very bad idea for us to release them unredacted, and could make us liable for contempt of the court's order. The court made this decision, and we are not free to disregard it. I'm sorry if this is frustrating to you, but your request is therefore denied. For the same reason, and those stated in the documents already in your possession, your remaining requests are also denied.

**Sean P. Finn**  
Chief Trial Deputy  
District Attorney, 20th Judicial District

---

#10

Subj: **Re: Records request**  
Date: 2/28/2014 9:32:32 A.M. Mountain Standard Time

Mr. Finn,

To your first point, please confirm that it was the court that made redactions to the documents that were released, not your office.

As to our "remaining requests", please explain how the court's rulings and orders in 2013CV31393 would prevent the Boulder District Attorney from releasing documents falling with categories 1 and 2 in our January 31 letter, including official action of the grand jury, other than those your office provided the court under seal in response to the court's October 17 order?

Thank you,

Fleet and Priscilla White

#11

Subj: **RE: Records request**  
Date: 3/7/2014 9:47:44 A.M. Mountain Standard Time

Your understanding is correct, we did not redact any documents submitted to the court.  
For the reasons stated below, and in the documents already in your possession, your request is denied.

**Sean P. Finn**  
Chief Trial Deputy  
District Attorney, 20th Judicial District

#12

Subj: **Re: Records request**  
Date: 3/10/2014 12:33:35 P.M. Mountain Daylight Time

Mr. Finn,

Thank you for confirming that the four pages submitted by your office to the court under seal in 2013CV31393 were redacted by the court prior to being publicly release as "official actions" of the 1998-1999 Boulder grand jury pursuant to the court's October 23, 2013 order.

Thank you for also confirming that with regard to our request to inspect and copy any criminal justice records within categories 1 and 2 of our January 31 request letter, other than the criminal justice records submitted by your office to the court under seal in 2013CV31393, your office is denying such request on the grounds that doing so would violate rulings and orders of the court in 2013CV31393.

We are, however, puzzled by the basis for your denial. Any criminal justice record within categories 1 and 2 are, by definition, records of "official action." As such, they must be made available for inspection and copying pursuant to the Colorado Criminal Justice Records Act. Please reconsider your position that a ruling or an order of the court in 2013CV31393 provides a basis for the Boulder District Attorney, as custodian, to deny a request to inspect and copy criminal justice records constituting "official action" of the 1998-1999 Boulder grand jury.

Please make any criminal justice records within categories 1 and 2 of our January 31, 2014 request letter, other than those submitted to the court in 2013CV31393 to which you have previously denied us access, available for inspection and copying immediately. Otherwise, please provide us with a written list and brief description of each such criminal justice record along with a written statement—or reconfirmation—of the grounds for your denial of access thereto as required by §24-72-305 (6), C.R.S.

Thank you again for your patience and assistance on this request. Please contact us with any questions or if further clarification is needed.

Thank you,

Fleet and Priscilla White

#13

Subj: RE: Records request  
Date: 3/10/2014 5:56:02 P.M. Mountain Daylight Time

It seems we are talking in circles, and I wonder if we just aren't understanding each other. Categories 1 and 2 of your request seem to be seeking the 18 pages submitted to the court, of which the court released 4. Your previous email described your request as follows: "What we clearly requested relative to 2013CV31393 are the 18 pages that your office, as custodian, submitted to the court in response to plaintiff's request and the court's orders." We cannot release these documents for the reasons stated below.

At some point your request changed, because you now seem to be requesting documents other than those submitted to the court. I reach that conclusion because category 1 requests a "true bill" or "official action" of the grand jury. Category 2 requests an "indictment." All of the documents in our possession that would fit this description were given to the court to review. To be as clear as I can possibly be, if you are requesting documents that constitute a true bill or indictment (or official action, which also includes arrests, probation orders and other things not relevant to this case) that were not given to the court, there are no such records.

Sean P. Finn  
Chief Trial Deputy  
District Attorney, 20th Judicial District

#14

Subj: Re: Records request  
Date: 3/11/2014 10:08:52 A.M. Mountain Daylight Time

Mr. Finn,

Thank you for your clarifications.

Please confirm that other than the 18 pages that were submitted to the court by your office, no other criminal justice records exist falling within categories 1 and 2 of our January 31 request letter, as follows:

"With regard to the 1998-1999 Boulder County Grand Jury proceedings concerning the December 1996 death of JonBenet Ramsey:

1. Any and all pages, papers and documents or sets of pages, papers and documents that individually or if placed together constitute either a "true bill" or an "official action" of said grand jury as that term is defined by C.R.S. §24-72-302 (7)
2. Any and all pages, papers and documents or sets of pages, papers and documents that individually or if placed together would be included in an "indictment" to be presented in open court pursuant to Rule 7 (a) of the Colorado Rules of Criminal Procedure including without limitation all captions, dates, certifications, signatures, markings and "essential facts which constitute the offense." "

We understand that the Boulder District Attorney has denied us access to inspect and copy the 14 pages of criminal justice records that were submitted to the court but not ordered released as official actions of the grand jury. We would nonetheless appreciate learning as much as the Boulder District Attorney is willing to tell us regarding the nature of those unreleased criminal justice records beyond the court's characterizations in its October 23 order.

Thank you,

Fleet and Priscilla White

#15

Subj: RE: Records request  
Date: 3/11/2014 10:30:48 A.M. Mountain Daylight Time

That is correct; we provided all documents that could be described as a true bill or indictment to the court so that it could make a determination as to what should be released.

I am unaware of any other "official action" resulting from this investigation.

Sean P. Finn  
Chief Trial Deputy  
District Attorney, 20th Judicial District

#16

Subj: **Re: Records request**  
Date: 3/11/2014 10:52:29 A.M. Mountain Daylight Time

Mr. Finn,

Please confirm that other than the 18 pages that were submitted to the court by your office, no other criminal justice records exist falling within categories 1 and 2 of our January 31 request letter. A "yes" or "no" would be appreciated.

Also, please advise regarding our inquiry as to the nature of the 14 pages of criminal justice records that were not released by the court.

Thank you.

Fleet and Priscilla White

#17

Subj: **RE: Records request**  
Date: 3/11/2014 2:09:38 P.M. Mountain Daylight Time

Yes, I can confirm that no other documents of this type exist. Again, these documents were given to the court so that the court could decide what could be legally released.

With regard to your request that we disclose the nature of the additional pages, we cannot do so for the same reason we cannot disclose the documents themselves.

Sean P. Finn  
Chief Trial Deputy  
District Attorney, 20th Judicial District

#18

Subj: **Re: Records request**  
Date: 3/11/2014 3:38:36 P.M. Mountain Daylight Time

Mr. Finn,

Thank you for the confirmation and for your response to our inquiry regarding the nature of the additional pages.

Fleet and Priscilla White

# EXHIBIT 6

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Plaintiffs' April 4, 2014 letter to Garnett (without enclosures)

Fleet Russell White, Jr. and Priscilla Brown White

April 4, 2014

Stanley Garnett, District Attorney  
Twentieth Judicial District  
1777 Sixth Street  
Boulder, Colorado 80302

Dear Mr. Garnett,

As you know, by our January 31, 2014 letter we requested from your office the opportunity to inspect and copy criminal justice records pursuant to the Colorado Criminal Justice Records Act, §24-72-301 *et seq.*, C.R.S.

On February 4, 2014, we received a response to our letter in the form of an e-mail from your Chief Trial Deputy, Sean Finn, Esq. Beginning with that email and continuing until March 11, 2014, we corresponded with Mr. Finn regarding our January 31, 2014 criminal justice record request. In order to avoid any misunderstanding, we would like to summarize that e-mail correspondence and receive your confirmation with respect to our request and the criminal justice records at issue. For your convenience, we have attached our e-mail correspondence with Mr. Finn, arranged chronologically, with each e-mail assigned a number for easier identification and reference.

Category 1 and 2 criminal justice records as described in our January 31, 2014 letter:

With respect to criminal justice records in Category 1 and 2 of our January 31, 2014 letter, please confirm Mr. Finn's affirmation that the only such criminal justice records in the custody and control of the Boulder District Attorney are those criminal justice records that were submitted to the Boulder District Court by your office pursuant to the court's Ruling and Order to Show Cause entered October 17, 2013 in *Brennan v. Garnett*, Case No. 2013 CV 31393. (See Whites' e-mail #14 and #16 and Mr. Finn's e-mail #15 and #17, both dated March 11, 2014)

Category 3 criminal justice records as described in our January 31, 2014 letter<sup>1</sup>:

In its Order Directing Release of Official Action of Grand Jury entered October 23, 2013 in *Brennan v. Garnett*, the court stated:

"The court has now reviewed the documents submitted under seal. The documents consist of 18 pages, 9 each relating to John and Patricia Ramsey."

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<sup>1</sup> Please note that Category 3 in our January 31, 2014 letter erroneously referred to the court's Order Directing Release of Official Action of Grand Jury in *Brennan v. Garnett*. We wish to clarify and correct Category 3 in our January 31, 2014 letter to read as follows:

"3. All of those certain documents as submitted by you to the court pursuant to Ruling and Order to Show Cause entered October 17, 2013 in *Brennan vs. Garnett*, Boulder District Court case 2013 CV 31393."

We apologize for any confusion this may have caused.

Stanley Garnett, District Attorney  
April 4, 2014  
Page Two

With regard to the 18 pages of criminal justice records submitted by your office to the court in *Brennan v. Garnett*:

(1) Please confirm Mr. Finn's affirmation that the redactions made to the 4 pages that were publicly released pursuant to the court's October 23, 2013 order in *Brennan v. Garnett* were made by the court and not by your office prior to submission to the court. (See Whites' e-mail #8 dated February 26, 2014; Mr. Finn's email #9 dated February 28, 2014; Whites' email #10 dated February 28, 2014; and Mr. Finn's email #11 dated March 7, 2014.)

(2) Please confirm Mr. Finn's position that your office is denying us the opportunity to inspect and copy the 18 pages of criminal justice records in the form they were submitted by your office to the court in *Brennan v. Garnett*. (See the following e-mails from Mr. Finn: email #3 dated February 6, 2014; email #5 dated February 11, 2014; #7 dated February 26, 2014; and e-mail #9 dated February 28, 2014)

(3) Please confirm Mr. Finn's position as expressed in the attached emails that the Boulder District Attorney's grounds for such denial are the rulings and orders of the court in *Brennan v. Garnett*, Case No. 2013 CV 31393, specifically the court's Ruling and Order to Show Cause entered October 17, 2013 and Order Directing Release of Official Action of Grand Jury entered October 23, 2013.

Thank you for assistance on this matter. We look forward to your prompt reply.

Sincerely,



Fleet Russell White, Jr.



Priscilla Brown White

Enclosures: E-mails between Sean Finn/Boulder District Attorney and the Whites (January-March 2014)

# EXHIBIT 7

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Garnett's April 14, 2014 letter to Plaintiffs



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

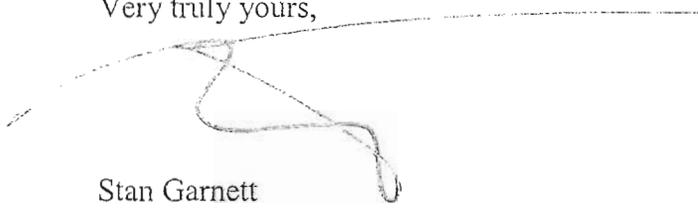
April 14, 2014

Fleet and Priscilla White

Dear Fleet and Priscilla:

I received your letter of April 4, 2014. I confirm all three requests on page 2 of your letter.

Very truly yours,

  
Stan Garnett

# EXHIBIT 8

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Plaintiffs' May 7, 2014 letter to Garnett (without attachments)

Fleet Russell White, Jr. and Priscilla Brown White

May 7, 2014

Stanley Garnett, District Attorney  
Twentieth Judicial District  
1777 Sixth Street  
Boulder, Colorado 80302

Dear Mr. Garnett,

Thank you for your April 14, 2014 letter in which you confirm Mr. Finn's affirmations regarding the Category 3 criminal justice records as described in our January 31, 2014 letter. We do, however, wish to point out that you did not confirm Mr. Finn's position regarding the Category 1 and 2 criminal justice records. The following paragraph appears on page 1 of our April 4, 2014 letter:

*Category 1 and 2 criminal justice records as described in our January 31, 2014 letter:*

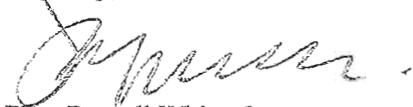
*With respect to criminal justice records in Category 1 and 2 of our January 31, 2014 letter, please confirm Mr. Finn's affirmation that the only such criminal justice records in the custody and control of the Boulder District Attorney are those criminal justice records that were submitted to the Boulder District Court by your office pursuant to the court's Ruling and Order to Show Cause entered October 17, 2013 in Brennan v. Garnett, Case No. 2013 CV 31393. (See Whites' e-mail #14 and #16 and Mr. Finn's e-mail #15 and #17, both dated March 11, 2014)*

We are attaching copies of all three letters for your easy reference.

Please confirm Mr. Finn's affirmation as requested above.

Thank you for your assistance.

Sincerely,



Fleet Russell White, Jr.



Priscilla Brown White

Enclosures: January 31, 2014 White letter to Garnett  
April 4, 2014 White letter to Garnett  
April 14, 2014 Garnett letter to White

# EXHIBIT 9

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Plaintiffs' May 28, 2014 letter to Garnett

Fleet Russell White, Jr. and Priscilla Brown White

May 28, 2014

Stanley Garnett, District Attorney  
Twentieth Judicial District  
1777 Sixth Street  
Boulder, Colorado 80302

Dear Mr. Garnett,

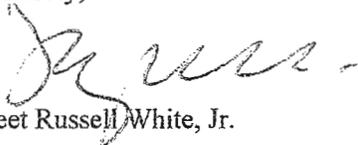
We have not received a response to our May 7, 2014 letter addressed to you relative to our January 31, 2014 request for criminal justice records.

In the absence of a response, we will assume that by your April 14, 2014 letter you intended to not confirm Mr. Finn's prior affirmation that the only criminal justice records in the custody and control of the Boulder District Attorney falling within Categories 1 and 2 as described in our January 31, 2014 letter are those criminal justice records that were submitted by your office to the Boulder District Court pursuant to the court's Ruling and Order to Show Cause entered October 17, 2013 in *Brennan v. Garnett*, Case No. 2013 CV 31393.

Accordingly, we hereby request that you immediately (1) identify in writing any criminal justice records in the custody and control of your office falling within Categories 1 and 2 as described in our January 31, 2014 letter other than those criminal justice records that were submitted to the court in Case No. 2013 CV 31393; and (2) make such records available for inspection and copying pursuant to § 24-72-303, C.R.S., and *People v. Thompson*, 181 P.3d 1143 (Colo. 2008).

Please contact us with any questions regarding this request. Otherwise, we will appreciate your prompt written reply.

Sincerely,

  
Fleet Russell White, Jr.

  
Priscilla Brown White

# EXHIBIT 10

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Garnett's June 8, 2014 letter to Plaintiffs



BOULDER  
JUSTICE CENTER  
1777 6TH STREET  
BOULDER, COLORADO 80302  
303.441.3700  
FAX: 303.441.4703

OFFICE OF THE DISTRICT ATTORNEY  
TWENTIETH JUDICIAL DISTRICT  
Stanley L. Garnett, District Attorney

LONGMONT  
1035 KIMBARK  
LONGMONT, COLORADO 80501  
303.441.3700  
FAX: 303.682.6711

June 8, 2014

To: Fleet Russell White & Priscilla Brown White

Re: **Letter of May 28, 2014**

Dear Mr. and Mrs. White,

I have attempted to be as direct about this matter as possible. All of Mr. Finn's statements on this subject have been accurate. I regret to inform you that we either do not have, or cannot legally disclose, any of the documents you seek.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley L. Garnett", written over a horizontal line.

Stanley L. Garnett  
District Attorney

# EXHIBIT 11

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Plaintiffs' June 9, 2014 letter to Garnett

Fleet Russell White, Jr. and Priscilla Brown White

June 9, 2014

Stanley Garnett, District Attorney  
Twentieth Judicial District  
1777 Sixth Street  
Boulder, Colorado 80302

Dear Mr. Garnett,

Thank you for your June 8, 2014 reply to our May 7, 2014 letter.

With regard to your statement that "we either do not have, or cannot legally disclose, any of the documents you seek":

1. Our January 31, 2014 letter contains a request, pursuant to C.R.S. § 24-72-303 (2) and C.R.S. § 24-72-304 (2), that you notify us in writing if your agency does not have custody and control of requested criminal justice records. Please now comply with these provisions of the law and immediately notify us as to the identities of such records, the reason for the absence of those records from your custody and control, and the identities of the criminal justice agency and person with custody and control thereof.
2. Please identify those criminal justice records that we seek which are in your custody and control, but that you "cannot legally disclose."

Please contact us with any questions regarding this request.

Sincerely,



Fleet Russell White, Jr.



Priscilla Brown White

# EXHIBIT 12

*Fleet Russell White, Jr. & Priscilla Brown White*

v.

*Stanley L. Garnett*

COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE

Garnett's June 10, 2014 letter to Plaintiffs



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

June 10, 2014

Fleet Russell White & Priscilla Brown White

Dear Mr. and Mrs. White:

Your recent letter is mere sophistry. I have nothing further to say. Take whatever action you believe to be appropriate.

Very truly yours,



Stan Garnett