

DISTRICT COURT, COUNTY OF BOULDER, STATE OF COLORADO 1777 6 <sup>th</sup> Street P.O. Box 4249 Boulder, CO 80306	^ COURT USE ONLY ^
<p><b>Plaintiffs:</b>  <b>FLEET RUSSELL WHITE, JR.</b>, an individual; and  <b>PRISCILLA BROWN WHITE</b>, an individual</p> <p>v.</p> <p><b>Defendants:</b></p> <p><b>CITY OF BOULDER</b>, a Colorado home rule municipality          and <b>MARK R. BECKNER</b>, in his official capacity as          Chief of the Boulder Department of Police and Custodian          of records for the Boulder Department of Police</p>	
<p><b>Plaintiffs pro se:</b>          Fleet Russell White, Jr.          Priscilla Brown White</p>	
<p align="center"><b>PLAINTIFFS' REPLY TO DEFENDANTS' RESPONSE OPPOSING PLAINTIFFS'          MOTION FOR RECONSIDERATION AND/OR TO AMEND JUDGMENT OR ORDER</b></p>	

1. For their reply to Defendants' Response Opposing Plaintiffs' Motion for Reconsideration and To Amend Judgment and/or Order, Plaintiffs state as follows:

2. Plaintiffs' who are proceeding pro se in this matter ask for the Court's patience and forbearance for failing to confer with Defendants prior to filing the subject motion. Plaintiffs were unaware of the requirements of C.R.C.P. 121. As is now clear, Defendants oppose the motion.

3. In their Response, Defendants claim that “Plaintiffs incorrectly contend this Court’s April 29, 2014 ruling bars review” of a denial of access to the Krebs records “even after conviction of a perpetrator” and “In evaluating any access request after conviction of a perpetrator, Defendants would certainly consider whether the investigation is still open, as would this Court in reviewing denial of the request.” Defendants’ Response, May 27, 2014, ¶ 2. However, the Court has dismissed this matter with prejudice on the principles of res judicata and collateral estoppel apparently based on Defendants’ assertions that Plaintiffs’ instant complaint and Plaintiffs’ 2002 complaint “address the same subject matter, that is, the production of the same records” and “seek the same relief, that is, the production of the same records.” Order Granting Defendants’ Motion to Dismiss, April 29, 2014, ¶¶ 16 & 17. Thus, contrary to Defendants’ claim, if left to stand, the Court’s Order will bar Plaintiffs from seeking this Court’s review of any future denial by Defendants for access to the “same records.” That result is manifestly unfair and contrary to the intended purposes of the Colorado Criminal Justice Records Act (“CCJRA”), §24-72-301, *et seq.*, C.R.S.

4. Defendants’ claim that this Court’s April 29, 2014 order will not bar Plaintiffs from seeking court review of a Defendants’ denial for access to the Krebs records “after conviction of a perpetrator” is directly contrary to Defendants’ prior contention that barring Plaintiffs from seeking review from this Court under the principles of issue or claim preclusion requires only a showing that Plaintiffs seek access to the “same records” at issue in this and the 2002 litigation. Now, Defendants appear to be in agreement with Plaintiffs’ argument that given changes in issues and circumstances relative to the Ramsey homicide investigation, the necessary elements

for issue and claim preclusion are not present.<sup>1</sup> If this Court shares that view, especially in consideration of the public revelations in 2013 regarding the Boulder grand jury indictments of John and Patsy in 1999, then it must vacate its order dismissing this litigation and conduct a hearing on Plaintiffs' complaint and application at the earliest practical time as required by §24-72-305 (7), C.R.S.

5. Defendants' continued treatment of Plaintiffs' request for the Krebs' investigation criminal justice records as a trifle raised by frivolous and annoying plaintiffs betrays the Defendants' attitude of callousness, arrogance, and malice that this Court must not reward. Plaintiffs' have properly applied under Colorado law for this Courts' review of Defendants' denial of access to criminal justice records that are of vital interest to Plaintiffs and to the public's understanding of the government's handling of an unprosecuted homicide that is also a matter of great public interest and concern. Further, the express intent of the CCJRA and §24-72-305 (7), C.R.S. is to place the burden on the government to show cause why access to documents should be denied. It is highly unlikely the general assembly intended to allow the government to avoid public scrutiny by forcing citizens into unnecessary and unfair litigation.

---

<sup>1</sup> Plaintiffs wish to remind the Court that changes in issues and circumstances inherent to the Ramsey homicide investigation since 2002 include shifting public perceptions, speculation, and controversy regarding who may or may not be responsible for JonBenet Ramsey's death, including public perceptions, speculation, and controversy regarding the guilt or innocence of Plaintiffs. Additionally, Plaintiffs have pointed out to the Court that public revelations occurring since 2002 have drawn into question the conduct of numerous individuals officially or professionally involved in the Ramsey investigation who have also played the prominent roles in the public dissemination of Nancy Krebs' false reports and the ensuing Boulder Police investigation, the records of which are the subject of this litigation. Indeed, the Court itself recognized at least one of those issues in its order dismissing this litigation: "e.g. the Order in *Brennan v. Garnett*, 2013 CV 31393 compelling the district attorney to open for inspection portions of grand jury documents filed under seal in the JonBenet Ramsey grand jury proceedings...that revealed the grand jury issued a True Bill against John and Patsy Ramsey for Child Abuse Resulting in Death and Accessory to a Crime" Order Re Defendants Motion to Dismiss, April 29, 2014, ¶3

6. The Court should vacate its Order dismissing the Plaintiffs' Complaint and Application for Order to Show Cause; reinstate Plaintiffs' Complaint and Application for Order to Show Cause; enter an order directing Defendants to show cause why Defendants should not permit the inspection and copying of all criminal justice records described in Plaintiffs' February 19, 2014 letter addressed to Defendant Beckner as described in said Complaint and Application for Order to Show Cause; and conduct a hearing pursuant to such order "at the earliest practical time" as required by §24-72-305 (7), C.R.S. Plaintiffs have attached a proposed Order for the Court's consideration.

Dated: June 3, 2014.



---

Fleet Russell White, Jr.



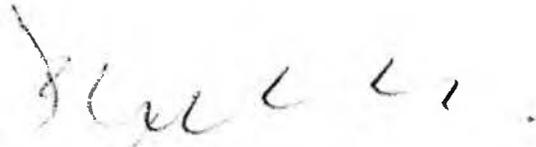
---

Priscilla Brown White

CERTIFICATE OF SERVICE

I hereby certify that on this 3<sup>rd</sup> day of June, 2014, the above and foregoing was filed with the Boulder District Court and that a true and correct copy was served by placing said copy in the United States mail, postage prepaid, and addressed as follows:

The City of Boulder  
Office of the City Attorney  
Thomas A. Carr  
P.O. Box 791  
Boulder, CO 80306

  
\_\_\_\_\_  
Fleet Russell White, Jr., Plaintiff

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>Defendants:</b>  <b>CITY OF BOULDER</b> , a Colorado home rule municipality and <b>MARK R. BECKNER</b> , in his official capacity as Chief of the Boulder Department of Police and Custodian of records for the Boulder Department of Police	
<b>Plaintiffs pro se:</b> Fleet Russell White, Jr. Priscilla Brown White	
<b>ORDER TO VACATE DISMISSAL AND TO REINSTATE COMPLAINT</b>	

This matter comes before the Court on Plaintiff's Motion For Reconsideration and to Amend Judgment and/or Order Pursuant to C.R.C.P 59 and/or C.R.C.P. 60. The Court, being fully advised, hereby GRANTS Plaintiffs' Motion to Reconsider; and, for good cause shown:

IT IS ORDERED that the Court's Order of April 29, 2014 dismissing Plaintiffs' Complaint be and hereby is VACATED; the Complaint and Application filed March 17, 2014 in the above-captioned action be and hereby is reinstated; and, pursuant to §24-72-305 (7), Defendants shall appear in this Court at the earliest practical time to show cause why Defendants

should not permit the inspection and copying of all criminal justice records described in Plaintiffs' February 19, 2014 letter addressed to Defendant Mark R. Beckner as described in said Complaint and Application.

IT IS SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

\_\_\_\_\_  
District Court Judge