

DISTRICT COURT, COUNTY OF BOULDER, STATE
OF COLORADO
1777 6th Street
P.O. Box 4249
Boulder, CO 80306

^ COURT USE ONLY ^

Plaintiffs:
FLEET RUSSELL WHITE, JR., an individual; and
PRISCILLA BROWN WHITE, an individual

v.

Defendant:

STANLEY L. GARNETT, in his official capacity as the
District Attorney for the Twentieth Judicial District

Plaintiffs without attorney:
Fleet Russell White, Jr.
Priscilla Brown White

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWER AND RESPONSE TO REQUEST
FOR ORDER TO SHOW CAUSE**

Plaintiffs, Fleet Russell White, Jr. and Priscilla Brown White, proceeding without attorney, respectfully submit this Reply to Defendant's Answer and Response to Request for Order to Show Cause and state as follows:

1. Plaintiffs do not seek portions of the grand jury record as suggested by Defendant's Response. Plaintiffs only seek access to records of official actions as defined by the Colorado Criminal Justice Records Act ("CCJRA").

2. Specifically, Plaintiffs seek access to the entirety of all records submitted to this Court under seal by Defendant in compliance with Ruling and Order to Show Cause dated October 18, 2013 (entered October 17, 2013) and as described in Order Directing Release of Official Action of Grand Jury dated October 23, 2013 in *Brennan v. Garnett*, 2013CV31393 ("*Brennan v. Garnett*"). A true and correct copy of the Court's Ruling and Order to Show Cause dated October 18, 2013 is attached as Exhibit 1. (A copy of this Court's October 23, 2013 Order is attached as Exhibit 2 to Plaintiff's Response.)

3. Defendant is the duly elected District Attorney of the Twentieth Judicial District and an experienced lawyer familiar with grand jury rules and Colorado law governing public disclosure of criminal justice records, including records of official actions. With regard to Defendant's understanding of grand jury matters generally, Defendant has stated that "I'm really proud of the expertise my staff has developed." Mitchell Byers, *Boulder DA making increased use of grand juries*, DAILY CAMERA (February 23, 2014), http://www.dailycamera.com/boulder-county-news/ci_25203328/boulder-da-making-increased-use-grand-juries. A true and correct copy of the February 23, 2014 article is attached as Exhibit 2. Thus, Plaintiffs are confident that Defendant complied with the Court's October 18, 2013 Ruling and Order to Show Cause by submitting to the Court records of official actions in the form of an indictment or indictments that Defendant, as custodian of records, believed to be responsive to the Court's order and to the record request at issue in *Brennan v. Garnett*. Further, given Defendant's understanding of grand jury rules, we are confident that Defendant did not submit to this Court any records for public disclosure that he believed may be part of the grand jury record.

4. Notwithstanding the orders and rulings of the Court in *Brennan v. Garnett* and Defendant's claimed interpretation thereof, Plaintiffs allege that all of the records submitted to the Court under seal in that litigation are records of official actions by the 1998-1999 Boulder grand jury that investigated the death of JonBenet Ramsey. Any such record must be "released for public inspection in its entirety, subject only to the deletion of identifying information of any alleged sexual assault victims." *People v. Thompson*, 181 P.3d 1143, 1144 (Colo. 2008). As stated in Plaintiffs' complaint, the redacted pages that were selectively ordered released by this Court's October 23, 2013 Order Directing Release of Official Action of Grand Jury in *Brennan v. Garnett* are described by entries in the official register of actions maintained by the clerk of the Boulder District Court as "Redacted Copy of Indictment Released Regarding John Bennett Ramsey" and "Redacted Copy of Indictment Regarding [*sic*] Patricia Paugh Ramsey." See Plaintiffs' Complaint ¶ 19 & Exhibit 3.

5. In addition to the records submitted to this Court under seal in the *Brennan v. Garnett* litigation, Plaintiffs seek access to all other records of official actions by the 1998-1999 Boulder grand jury that relate to the JonBenet Ramsey homicide, should any such records exist. Any such records are clearly within Categories 1 and 2 of Plaintiffs' January 31, 2014 request letter. See Plaintiffs' Complaint ¶ 20 & Exhibit 4.

6. Defendant's assertion in his Answer, ¶ 8, that he is "unaware of any attempts to cast suspicion on Plaintiffs" is demonstrably false. Beginning in 2010, Plaintiffs have met and corresponded with Defendant for the specific purpose of obtaining Defendant's assistance to correct the public record with respect to attempts to cast suspicion on Plaintiffs. Recent evidence of Defendant's awareness of attempts to cast suspicion on Plaintiffs include Plaintiffs' October 15, 2013 letter addressed to this Court¹ with a copy to Defendant relative to the *Brennan v.*

¹Although this letter was filed with the Boulder District Court and bears the clerk's stamp, the clerk has informed Plaintiffs that the letter was not entered in the *Brennan v. Garnett* case file at the instruction of the presiding Senior District Court Judge J. Robert Lowenbach.

Garnett litigation a true and correct copy of which is attached as Exhibit 3; Defendant's January 17, 2014 letter addressed to Plaintiffs a true and correct copy of which is attached as Exhibit 4; a related January 23, 2014 Boulder Police Department press release stating "In 2000, the police did investigate allegations made by a California woman to District Attorney Alex Hunter, as reported in the press, that were intended to cast suspicion on the White family" "*Boulder Police Department Statement Regarding the Family of Fleet White*" <https://boulder.colorado.gov/police/jan-23-2014-boulder-police-department-statement-regarding-the-family-of-fleet-white-jr/> A true and correct copy of the January 23, 2014 press release is attached as Exhibit 5; and a January 24 news article quoting Defendant "[Plaintiffs] contacted me a number of times on the topic... They wanted me to issue a statement. I didn't think that was appropriate." Charlie Brennan, *Fleet, Priscilla White denied official Ramsey exoneration statement by DA*, DAILY CAMERA (January 24, 2014) http://www.dailycamera.com/news/boulder/ci_24988499/fleet-priscilla-white-denied-official-ramsey-exoneration-statement A true and correct copy of the January 24, 2014 article is attached as Exhibit 6.

7. With regard to Defendant's Answer, ¶ 31, Defendant's failure to identify which of the requested records "we do not have" and which of the requested records Defendant "cannot legally disclose" obstructs Plaintiffs' ability to properly inform the Court on this controversy and to proceed pursuant to the CCJRA. Absent clarification by Defendant, Plaintiffs are left to assume that all of the unredacted records submitted to the Court under seal in *Brennan v. Garnett* remain in Defendant's custody or control and that it is those records which Defendant claims he "cannot legally disclose" on the grounds that doing so would violate the orders of this Court or Colorado Rule of Criminal Procedure 6.2. Thus, there would have to be other records of official actions within the scope of Plaintiffs' request that Defendant knows to exist but that Defendant "does not have." At the minimum, the CCJRA requires Defendant to inform Plaintiffs as to the identity of the agency having custody or control of requested records that are not in the custody and control of Defendant. Defendant has not so informed Plaintiffs.

8. Colorado law clearly defines the authority of the Defendant and this Court with respect to records of official actions:

[T]he CCJRA does not grant any criminal justice agency, including a court, any discretion as to whether to disclose a record of official action in its entirety, in part, or not at all.

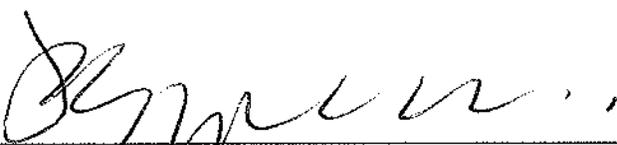
People v. Thompson, 181 P.3d 1143 (Colo. 2008). Plaintiffs however recognize this Court's authority and duty to conduct a hearing on Plaintiffs' application "at the earliest practical time" as unequivocally stated in the CCJR, §24-72-305 (7) C.R.S., to compel disclosure of the requested records by Defendant in accordance with Colorado law, and to otherwise enforce the provisions of the CCJRA.

9. For the reasons stated above, Defendant's requests for this Court to deny Plaintiffs' Application for Order to Show Cause and to dismiss this case are without merit and should be denied.

WHEREFORE, Plaintiffs, Fleet Russell White, Jr. and Priscilla Brown White, respectfully request that:

- (a) Defendant's request for the Court to deny Plaintiffs' Application for Order to Show Cause and to dismiss this case be denied.
- (b) The Court enter an order directing Defendant to identify to Plaintiffs which of the requested criminal justice records are not in the custody or control of Defendant and which of the requested criminal justice records Defendant "cannot legally disclose" and to otherwise comply with §24-72-303 (2) and C.R.S. §24-72-304 (2) C.R.S.
- (c) 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.3d 1143 (Colo. 2008) by permitting Plaintiffs to inspect and copy all requested criminal justice records that are in the custody and control of Defendant.
- (d) 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 31, 2014.



Fleet Russell White, Jr.

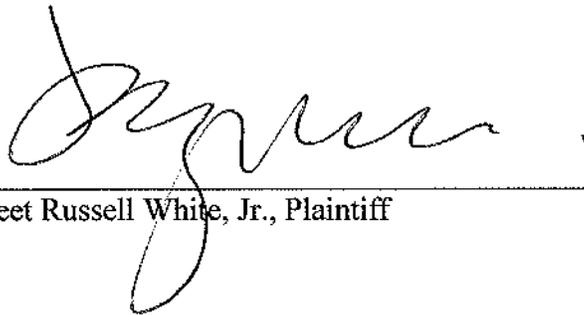


Priscilla Brown White

CERTIFICATE OF SERVICE

I hereby certify that on this 31th day of July, 2014 a true and correct of the foregoing **PLAINTIFFS' REPLY TO DEFENDANTS' ANSWER AND RESPONSE TO REQUEST FOR ORDER TO SHOW CAUSE** 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:

Stanley Garnett
Sean P. Finn
Office of the District Attorney
Boulder County Justice Center
1777 Sixth Street
Boulder, CO 80302



Fleet Russell White, Jr., Plaintiff

DISTRICT COURT, COUNTY OF BOULDER, STATE
OF COLORADO
1777 6th Street
P.O. Box 4249
Boulder, CO 80306

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Defendant:

STANLEY L. GARNETT, in his official capacity as the
District Attorney for the Twentieth Judicial District

Plaintiffs without attorney:
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Priscilla Brown White

**PLAINTIFFS' EXHIBITS TO REPLY TO DEFENDANT'S ANSWER AND RESPONSE
TO REQUEST FOR ORDER TO SHOW CAUSE**

EXHIBIT 1

Fleet Russell White Jr. & Priscilla Brown White

v.

Stanley L. Garnett

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWER AND RESPONSE TO REQUEST
FOR ORDER TO SHOW CAUSE**

Court's Ruling and Order to Show Cause dated October 18, 2013
in *Brennan v. Garnett*, 2013CV31393

Jury foreperson but that 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. Since members of the Grand Jury and others surrounding the investigation were sworn to secrecy, it appears that this information, if accurate must have been provided in violation of that oath.

On October 13, 1999, the Grand Jury investigating the death of JonBenét Ramsey was discharged, and Hunter announced we “believe we do not have sufficient evidence to warrant a filing of charges against anyone who has been investigated at this time.” The Plaintiffs assert that this announcement left the public with the clear impression that the Grand Jury had determined not to indict anyone in connection with the death of JonBenét Ramsey.

On or about March 13, 2013, Brennan sent an e-mail addressed to Garnett requesting, pursuant to the Colorado Open Records Law, § 24-72-201, *et seq.*, C.R.S., and the CCJRA, § 24-72-301, *et seq.*, C.R.S., 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 JonBenét Ramsey. Brennan further requested that in the event his request for inspection was denied, he be provided with a written statement of all grounds for the denial.

On March 18, 2013, Karen Lorenz (“Lorenz”), Chief Deputy District Attorney for the Twentieth Judicial District, wrote to Brennan denying his request to inspect the Indictment. The grounds cited were that public disclosure of records such as that described in Brennan’s request would be contrary to Colorado Rule of Criminal Procedure 6.2, providing that grand jury proceedings are secret, and that accordingly the disclosure of the documents would be contrary to law and therefore the public interest.

On June 27, 2013, Thomas B. Kelley (“Kelley”), as attorney for Plaintiffs Brennan and Reporter’s Committee for Freedom of the Press, wrote Garnett requesting that he reconsider the position taken by Lorenz in her March 18, 2013 letter. On July 1, 2013, Sean P. Finn, Chief Trial Deputy/Custodian of Records for the Office of the District Attorney for the Twentieth Judicial District (“Finn”), responded to Kelley’s letter, ultimately reiterating the denial of the request to inspect and copy the requested documents because of their concern regarding the legality of such a disclosure. To be clear, the Plaintiffs are requesting only the “indictment” and are not requesting the record of any proceedings before the Grand Jury.

With this background, this action is brought by the Plaintiffs to compel disclosure pursuant to §24-72-305(7). The Plaintiffs seek an order directing the Defendant to show cause why they should not permit the inspection and copying of the “Indictment.”

II. DISCUSSION

There is no precedent in Colorado regarding the question of whether a purported “indictment” signed by the foreman of a Grand Jury but unsigned by the District Attorney is subject to disclosure to the general public, either through presentment before the court pursuant to C.R.Crim.P. 7(a)(1), or through a release as an “official action” pursuant to §24-72-301 *et seq.* However, in *Dresner v. County Court*, 540 P.2d 1085 (Colo. 1975), a divided Colorado Supreme Court held that an

indictment issued by a grand jury is ineffective to commence a criminal proceeding unless it is signed by the prosecutor. This case involved a district attorney disregarding the Grand Jury's indictment for a lesser offense and charging a more serious offense by the filing of an information.

The Court, in this very short opinion, did not address the issue of whether the action by a Grand Jury constitutes an "indictment" but rather focused on the issue of whether an order requiring a district attorney to prosecute an action would interfere with the district attorney's discretion and would violate the doctrine of separation of powers. *Id.* at 1087. Likewise, the Court did not address the issue of whether the "indictment", unsigned by the district attorney, should be "presented in open court", as stated in C.R.Crim.P. 7(a)(1).

The *Dresner* court cited a federal case, *United States v. Cox*, 342 F.2d 167 (5th Cir. 1965) as authority for its narrow conclusion. Although not cited for more than the narrow issue of whether the district attorney should be required to prosecute the Grand Jury's "indictment", the *Cox* case stands for a broader proposition that this court finds persuasive. In that case, five of the seven member court held that the prosecutor is required to assist the grand jury in preparing an indictment, and that an indictment in which the prosecutor does not join should be prepared *and made public* in open court along with the prosecutor's decision. Although some of the *Cox* judges took the position that the government attorney should sign the indictment and could then refuse to go forward, all five of these judges expressed their belief that transparency was important in order to expose the difference in view between the prosecutor and grand jurors.

This court agrees that transparency of a prosecutor's decision not to proceed with an indictment from the Grand Jury is in the public interest. Under the rationale of the prevailing opinions in *Cox*, the term "record of official action" in the form of an "indictment" should include the completed work of the grand jury, even if the district attorney has declined to sign it. This court agrees that the fact of this official action should not happen in secret in circumstances that give the public an impression that the grand jury has declined to act. Recognizing that the Grand Jury's "indictment" is not required to be supported by evidence beyond a reasonable doubt, but that the district attorney cannot proceed with a prosecution unless he has a reasonable belief that he can obtain a conviction, the process followed in this case offered citizens no opportunity to consider the conflict between the decisions of the prosecutor and the grand jury.

Although a contrary view was expressed by Judge Finesilver in *In re Grand Jury Proceedings, Special Grand Jury 89-2*, 813 F. Supp. 1451 (D. Colo. 1993), in which he concluded that an indictment is not an indictment for any purpose, including public disclosure, unless and until it is signed by the prosecuting attorney, this court concludes that the better view is that expressed in *Cox, supra*. This view is also supported by C.R.Crim.P. 6.6 (a), which states that "presentation of an indictment in open court by a grand jury may be accomplished by the foreman of the grand jury, the full grand jury, or by the prosecutor *acting under instructions of the grand jury.*" [Emphasis added] It appears clear from this provision that the power of the presentment lies with the grand jury.

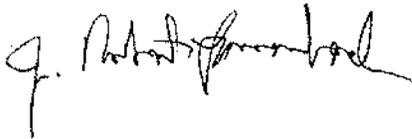
Finally, the court concludes that the secrecy required in the Grand Jury process set forth in C.R.Crim.P. 7 is not compromised through a process that requires the presentment of the indictment in open court. Under this procedure there is no breach of the secrecy and confidentiality expected in Grand Jury proceedings.

The Colorado Supreme Court has declared that the reasons for grand jury secrecy that it sought to protect in promulgating Colo. R. Crim. P. 6.2 are: (1) to prevent the escape of those whose indictment may be contemplated; (2) to prevent disclosure of derogatory information presented to the grand jury against someone who has not been indicted; (3) to encourage witnesses to come before the grand jury and speak freely with respect to commission of crimes; (4) to encourage grand jurors in uninhibited investigation of and deliberation of suspected criminal activity. *In re P.R. v. Dist. Ct.*, 637 P.2d 346, 350 n.6 (Colo. 1981). In this case, the only factor that may be implicated is the prevention of derogatory information being released against someone who has not been indicted. This factor is important where a Grand Jury concludes its investigation with suspicions but without sufficient evidence to cause them to vote to indict. In this case, assuming as asserted by the Plaintiffs that the Grand Jury voted to indict Mr. and Mrs. Ramsey, the evidence rose to a level in the minds of the grand jurors justifying an indictment.

III. ORDER

IT IS THEREFORE ORDERED that the Defendant show cause why he should not be required disclose the requested documents.

Dated: October 18, 2013

A handwritten signature in black ink, appearing to read "J. Robert Lowenbach". The signature is fluid and cursive, with a large initial "J." and a long, sweeping underline.

J. Robert Lowenbach
Senior District Court Judge

EXHIBIT 2

Fleet Russell White Jr. & Priscilla Brown White

v.

Stanley L. Garnett

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWER AND RESPONSE TO REQUEST
FOR ORDER TO SHOW CAUSE**

Mitchell Byers, *Boulder DA making increased use of grand juries,*
DAILY CAMERA (February 23, 2014)

Boulder DA making increased use of grand juries

By Mitchell Byars , Camera Staff Writer
Updated: 02/23/2014 10:11:25 AM MST

DailyCamera.com



Boulder District Attorney Stan
Garnett

It meets in secret, a group of 16 Boulder County residents poring over evidence from some of the most complex criminal cases in the county. In Boulder County alone, its indictments have resulted in charges against people accused of everything from murder and rape to drug dealing and white collar crime.

Like all Colorado jurisdictions its size, Boulder County has a grand jury seated at all times, a group endowed by the courts with investigative powers and tasked with looking into cases assigned by prosecutors.

But for many years, Boulder County's grand jury went largely unused, aside from a few high profile cases.

Now, the current DA's Office is embracing the grand jury as a tool to both investigate cases and bring charges against suspected criminals.

"I've definitely used it much more than my predecessors," said Boulder District Attorney Stan Garnett.

Since Garnett took over as the top prosecutor in 2009, he said his office has taken 54 cases to grand juries. Over 20 of those cases resulted in grand jury indictments naming over 100 defendants.

In contrast, court records show only three cases were taken to grand jury between 2006 and 2009. Prosecutors said there were also few cases taken to grand jury in the previous years under former District Attorneys Mary Lacy and Alex Hunter

"Philosophically I have a real belief that the grand jury process is valuable," Garnett said. "I'm not sure my predecessors valued it the same way."

Boulder grand jury cases

Thayne Smika: Smika was arrested in 1983 after he was accused of executing his roommate, Sid Wells. A grand jury was convened to investigate the case, but never released an indictment. Smika has been missing since 1986, but the case was re-opened and a warrant for his arrest was issued in 2011.

John and Patsy Ramsey: In 1999, a grand jury voted to indict both of the Ramseys on child abuse resulting in death and accessory to a crime. Charges were never filed, and the case remains unsolved.

Alex and Molly Midyette: In 2007, 14 months after the death of their 10-week-old son Jason, the Midyettes were indicted by a grand jury. Both were convicted at separate trials on child abuse charges.

Noah Thomas: Thomas was indicted by a grand jury in 2010 on vehicular homicide charges for the 2007 crash that killed 25-year-old Jeffrey Turner and injured five others. Thomas was convicted and sentenced to 12 years in prison

George Ruibal: Ruibal was indicted in 2011 for the murder of his girlfriend, Dana Pechin. Ruibal was found guilty of second-degree murder and was sentenced to 40 years in prison.

Frederick Allen: Allen was indicted on sexual assault charges after investigators say he drugged a CU student with insulin then raped her in 2011. Allen was convicted on six felonies and received 83 years to life in prison in 2013.

Operation Private Dancer: 41 suspects were indicted in 2012 after an investigation into a methamphetamine and cocaine ring in Longmont.

Operation El Gaucho: 19 suspects were indicted in 2013 as part of a county-wide cocaine distribution ring.

Operation Bad Nickname: Longmont police secured indictments on 29 suspects after a six-month investigation into a methamphetamine ring.

Anam Chara: The former Boulder care home was indicted on one count of negligence causing serious bodily injury to an at-risk person and one misdemeanor count of neglect of an at-risk victim this year in relation to a former client who was injured.

Clare Gordon: Anam Chara's top administrator, Gordon was also indicted on two charges of attempting to influence a public servant, two counts of tampering with evidence, one count of negligence causing serious bodily injury to an at-risk person, and one misdemeanor count of neglect of an at-risk victim.

Hunter did not return calls for comment on this story. Lacy also could not be reached for comment.

Trip Demuth was a prosecutor in the Boulder office under Hunter, and said that administration preferred charges come from the District Attorney's office.

"Grand juries were not used that often," he said. "There was a preference for direct filing, although grand juries were used from time to time for investigative purposes."

Boulder police Chief Mark Beckner said the change has not gone unnoticed in his department.

"It's certainly been, from our perspective, a great development in this D.A.'s Office," Beckner said. "Past administrations seemed to be fearful of using the grand jury. This one sees it as a valuable tool, which I think is more typical of DA's Offices."

Infrequency of grand juries' use seen as 'a weakness'

When most people in Boulder hear the term "grand jury," their minds instantly race back to 1998, and 12 people — plus five alternates — in the Boulder Justice Center looking into the death of 6-year-old JonBenet Ramsey.

In March 1998, the Boulder Police Department asked Hunter, the DA at the time, to present the case to a grand jury, but the case did not go to a grand jury until September of that year.

Beckner — who led the detective division during the Ramsey investigation prior to becoming chief just three months before the case went to the grand jury — said there was frustration in the department over the perceived unwillingness by Hunter to use a grand jury.

"It was something we had fought for for several years, and eventually they had to bring in outside prosecutors," Beckner said. "It was incredibly frustrating, especially in this case when we saw real value in calling witnesses and issuing subpoenas. But for whatever reason, the previous administrations did not want to use a grand jury. The frustrating part was we didn't know what the reluctance to do that was for."

Bob Grant, then District Attorney in Adams County, was one of those outside prosecutors brought in to consult on the case, in part due to his experience using grand juries.

"There were some folks who were familiar with it, some folks who were not," Grant said. "I didn't get the impression it was used a lot in Boulder."

After more than a year of investigation, the grand jury completed its work on the case in October 1999 and Hunter said no charges would be filed.

But documents unsealed last October showed the grand jury actually prepared charges of child abuse resulting in death and accessory to a crime for both John and Patsy Ramsey in the death of their daughter.

Beckner said the indictment — while unprosecuted — showed the grand jury process worked.

"I think our detectives were pretty happy with the process," Beckner said. "We thought the process was very successful — as you can see there was actually a true bill — and actually had moved the case forward in many ways."

Garnett said when he took office, he looked at the Ramsey case and realized a change needed to be made.

"I felt after looking at the Ramsey case that a weakness in this office was that there was no grand jury expertise within this office," Garnett said.

To remedy that lack of expertise, Garnett has two of his top prosecutors, Ryan Brackley and Sean Finn, handle grand jury cases.

Finn had experience using grand juries while he was a prosecutor in Adams County, while Brackley previously was a prosecutor in New York, where every felony case must go through a grand jury.

While Brackley and Finn take the lead on most grand jury cases, Garnett says all of his prosecutors get experience presenting a grand jury case as part of their training.

"We try to rotate all our deputies through on a case as part of their training and development," Garnett said. "It's a good process for learning how to handle complex litigation."

'Voice of the community'

The benefits of using a grand jury lie primarily in the jury's subpoena power. University of Colorado law professor Mimi Wesson said grand juries can use that power to summon witnesses who may have been uncooperative or obtain documents that weren't available to police.

"It's a lot harder to resist a grand jury subpoena than the request of a police officer that you talk to him," Wesson said.

Added Beckner, "You can call people as witnesses, put them under oath, subpoena information. It just has some advantages that we may not have in a straight-forward investigation."

Brackley and Finn said grand juries are also valuable because they give prosecutors a chance to present evidence to a group of community members and get a sense how strong their case is.

"I like the voice of the community angle of the grand jury," Brackley said. "Often-times, we present facts to the grand jury and we ask them, as the voice of the community, to tell us if this is a case that should be prosecuted."

Added Finn, "I like to put facts in front of a jury of people unconnected to our world and see how they react to those facts before I charge a case, because I think it allows you to get a fuller understanding of how the different parts of your case relate."

Finn pointed out that cases that don't go through grand juries only go through a preliminary hearing before a county judge, a hearing that last only an hour or so, assuming the defendant doesn't waive the hearing altogether.

"You do have the opportunity to put your evidence forward, but you can't expand it or develop it," Finn said. "You never walk out with a better case than when you walk in."

Garnett said juries in Boulder tend to be well-educated and savvy, and he said that is an asset for prosecutors.

"Often when a grand jury is brought in on a complex case, the grand jury members ask questions and raise concerns that even law enforcement won't see, and that can be pretty helpful," Garnett said.

Wesson said grand juries can also bear some of the responsibility of the decision in cases that might draw criticism.

"There may be cases that, for one reason or another, cause the prosecutor to wish to share the responsibility about whether to charge or not charge someone with another body," Wesson said. "Partly to have more eyes on the matter, and partly if the District Attorney's decision is questioned to be able to say he took the case to a grand jury and it either chose to indict or refused to indict."

But Wesson said the risk of using grand juries comes when the conclusions it reaches differ from those prosecutors.

"If a District Attorney chooses to put a case before a grand jury but then acts in a manner at odds with its decision, that may be embarrassing to the District Attorney if it becomes public," Wesson said.

In the case of the JonBenet Ramsey jury, Hunter chose not to pursue charges, deciding there was not enough evidence to prove guilt beyond a reasonable doubt. Grand jury proceedings are typically sealed and those involved sworn to secrecy unless charges are filed, so for 14 years very few people outside the prosecutors and the jury knew a true bill had been returned.

But a lawsuit filed by Daily Camera reporter Charlie Brennan and a press advocacy group led to the release of the indictments, leading some to question Hunter's decision not to move forward with charges.

"As we've seen, the grand jury proceedings are secret, and it took quite a lot of effort to make public the existence of that grand jury indictment, so maybe the risk of public knowledge is small," Wesson said. "It's likely the public is never going to know, but that risk is there."

Complex cases most likely candidates for a grand jury

While Boulder County is putting a renewed emphasis on using grand juries, Brackley said he likes that Colorado law allows prosecutors to select which cases they choose to take to grand jury, as opposed to states like New York that require all felony cases go through grand juries.

"It was just a cumbersome, inefficient process," Brackley said. "I think the method of charging in Colorado is more efficient. It's less cumbersome for not only prosecutors but for the citizens that we place such a high time demand on when they serve on a grand jury."

Brackley said grand juries are best used judiciously on complex cases that benefit from its investigative capabilities.

"We are able to use it more efficiently and put the more complex and complicated cases in front of the grand jury, and we have more resources to focus on those particular cases and ultimately get a greater benefit from the process, not only to investigate and charge cases but also to develop the evidence."

Among the cases taken to jury since Garnett has come into office are three large drug rings that resulted in indictments against multiple defenders. Operation Bad Nickname resulted in 29 indictments, El Gaucho resulted in 19 and Private Dancer resulted in 39.

Grand juries have also been used in two cold-case deaths in Boulder County that led to convictions. Noah Thomas was indicted in 2010 on vehicular homicide charges in a fatal 2007 crash while George Ruibal was indicted in 2011 for the 2007 murder of his girlfriend.

Finn — who handles many of the white collar crimes prosecuted by the office — said grand juries are also useful in financial cases because of the jury's ability to obtain documents and the fact it can take the time to carefully review those documents.

Larry Kyle Richardson was indicted this year on suspicion of racketeering in a case that involved pages and pages of financial information from numerous sources as well as other involved parties in separate states.

"I'm really proud of the expertise my staff has developed," Garnett said. "Grand jury work is like any legal expertise, we need to continually keep getting better at it, and I think we are."

Contact Camera Staff Writer Mitchell Byars at 303-473-1329, byarsm@dailycamera.com or [twitter/com/mitchellbyars](https://twitter.com/mitchellbyars)

EXHIBIT 3

Fleet Russell White Jr. & Priscilla Brown White

v.

Stanley L. Garnett

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWER AND RESPONSE TO REQUEST
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Plaintiffs' October 15, 2013 letter addressed to the Court
in *Brennan v. Garnett*, 2013CV31393

Fleet Russell White, Jr. and Priscilla Brown White

2013 OCT 15 PM 4:34

October 15, 2013

The Honorable John Robert Lowenbach
District Court, Boulder County, Colorado
1777 Sixth Street
Boulder, Colorado 80306

Subject: Charlie Brennan, et al v. Stanley L. Garnett, Esq.
Case Number: 2013CV31393
Division: COC

Judge Lowenbach:

We are Fleet and Priscilla White, residents of Boulder, Colorado. We were well-acquainted with John and Patsy Ramsey prior to JonBenet's death. The Ramsey children, Burke and JonBenet, were playmates of our son, Fleet Russell White III, and daughter, Daphne Rose White. The Ramsey family were guests at our home for Christmas dinner on December 25, 1996. We were present at the Ramsey home the following day when JonBenet's body was found. We became police and prosecution witnesses in the ensuing investigation.¹

Shortly after the homicide, we became the subject of speculation circulating in the media regarding our status with respect to the investigation. A City of Boulder press release dated April 16, 1997, states:

In response to media inquiries and to clarify inaccurate statements, Boulder Police Chief Tom Koby has the following statement:

"Mr. and Mrs. Fleet White, Jr. are not suspects in the JonBenet Ramsey murder investigation. They are considered key witnesses. The Boulder Police Department appreciates the full cooperation they have received

¹ Since JonBenet's death, we have lived and raised our children in Boulder. Our son, Fleet Russell White III, graduated from the United States Naval Academy in 2012 and is now an Ensign in the United States Navy. Our daughter, Daphne Rose, is in her fourth year at the United States Naval Academy and will graduate and be commissioned as an officer in May 2014.

from the Whites since the beginning of their investigation. I feel this response is necessary due to the inaccurate portrayal of Mr. and Mrs. White in certain media publications.”

Attachment A (*City of Boulder News, Ramsey Update* April 16, 1997)

In November and December 1998 and January 1999 we voluntarily gave sworn testimony to the Boulder grand jury investigating JonBenet’s death.

With regard to the subject case, we wish to express our support for Plaintiffs’ request that the written indictment that was prepared for and signed by the grand jury charging John and Patsy Ramsey with crimes related to the death of JonBenet, be disclosed to the public, either as required by the Colorado Criminal Justice Records Act or, alternatively, pursuant to the Court’s inherent authority and discretion. In expressing our support, we note that the Ramsey grand jury proceedings leading to the indictment spanned a period of over a year and represented a collaborative effort of law enforcement, investigative agencies, and prosecutors from several Colorado jurisdictions.

If disclosure is to be made pursuant to the Court’s discretion, we wish to expand on Plaintiffs’ presentation of reasons for disclosure by informing the Court of compelling reasons favoring disclosure including circumstances particular to our family.

I.

DISCLOSURE OF THE GRAND JURY INDICTMENT MAY PROVIDE OUR FAMILY WITH A MEASURE OF VINDICATION FROM ACCUSATIONS THAT HAVE BEEN MADE AGAINST US FOLLOWING JONBENET’S DEATH AND PROVIDE THE PUBLIC A BASIS TO SCRUTINIZE THE MOTIVES AND OFFICIAL CONDUCT OF BOULDER DISTRICT ATTORNEY ALEX HUNTER WITH RESPECT TO THE RAMSEY INVESTIGATION

Following the homicide, John and Patsy Ramsey, their lawyers and other persons appearing to speak on their behalf, identified us as being involved in the crime. This is revealed in several books detailing the investigation and also by news accounts and documents in the

public record. We believe that this was done as a strategic means to discredit us as police and prosecution witnesses. Such attempts to link us to the crime continued following Boulder District Attorney Alex Hunter's apparent decision to not sign and file the grand jury's 1999 indictment. In an article published on October 13, 2008 following Mr. Ramsey's "exoneration" by Boulder District Attorney Mary Lacy, Mr. Ramsey expressed his "suspicions that a close friend with access to the house had some role in the murder, and he questions the person's alibi." See Attachment B (Lucinda Franks, *John Ramsey's Lingering Suspicions*, The Daily Beast, October 13, 2008) We have no reason to doubt that the person Mr. Ramsey is referring to is the undersigned, Fleet Russell White, Jr.

In the months following the homicide, Mr. Hunter's official conduct with respect to the investigation became the subject of much public criticism, including his practice of publicly expressing his opinions regarding the Ramseys and police officers, his alleged disclosures of police evidence and information to Ramsey defense lawyers and the press, and his undue criticism of the police investigation itself. For those reasons, and following public disclosure of information from our law enforcement interviews, we also became publicly critical of Mr. Hunter. In December 1997, we met with Colorado Governor Roy Romer to express our concern for Mr. Hunter's professional conduct and the highly-publicized conflict between Mr. Hunter's office and the Boulder police. We asked the Governor to consider intervening by appointing a special prosecutor to proceed with the investigation and any future prosecution. Mr. Hunter's displeasure with our public criticism of his official conduct and the Boulder police characterization of us as "key witnesses" in the investigation are well-documented in various books and other publications.

Not as closely chronicled is the (Boulder) Daily Camera newspaper's aggressive defense of Mr. Hunter in his disputes with the Boulder police to prevent a "rush to judgment" regarding the Ramseys. Such support of Mr. Hunter's handling of the investigation by the Daily Camera is evident throughout the investigation and the grand jury proceedings in 1998 and 1999. Moreover, the Daily Camera's editorial criticism of the Boulder police during that period paralleled and echoed the public criticisms of the Ramseys' defense lawyers that the police investigation was too narrowly focused on John and Patsy Ramsey to the exclusion of other persons. It is obvious to us now that the Daily Camera considered us to be among those that should be considered as suspects.

On February 25, 2000, four months following the conclusion of the grand jury and Mr. Hunter's apparent decision to not sign and file the grand jury's 1999 indictment against the Ramseys, the Daily Camera ran a front-page, headline news article reporting the beliefs and claims of an unidentified woman from California whose credibility had been endorsed by Mr. Hunter. The article, written by Daily Camera editor Barrie Hartman, is attached hereto as Attachment C (*DA pursues new Ramsey lead*, Daily Camera, February 25, 2000). The article speculates that the woman's information "could mean the Ramsey case is tangled in sexual abuse and involves more people than originally thought." The woman was later identified as Nancy Krebs, a person who was at that time unknown to us and who to this day we have never met. The Daily Camera's publication of Ms. Krebs' story triggered wide-spread speculation that members of our family were somehow responsible for JonBenet's death as well as for other crimes spanning years involving child abuse, pedophilia and child pornography. At the prodding of Mr. Hunter and the Daily Camera's leadership, a wasteful eleven-week Boulder police and FBI investigation of the woman's claims ensued. The conclusion of the investigation was marked by

an official Boulder Police statement dated May 15, 2000 in which Boulder Police Chief Mark Beckner stated:

“Unfortunately, the allegations have led to speculation that Fleet and Priscilla White, former close friends of the Ramseys and hosts of the 1996 Christmas party, were somehow involved in the sexual abuse and death of JonBenet. We have no evidence whatsoever to support this and have never had evidence to support such an allegation.”

Attachment D (*City of Boulder News Release, Boulder Police end investigation into California woman's report, May 15, 2000*)

Mr. Hunter, who shortly after the publication of the Daily Camera news article announced that he would not seek re-election later that year, did not join in the statement.

When we challenged the Daily Camera and its owner, The E.W. Scripps Company, to apologize and explain their irresponsible decision to publish the article, Daily Camera publisher Colleen Conant was directed by Scripps management to back-pedal through a carefully worded column that was published on May 7, 2000. In her column, Ms. Conant clearly states that it was Mr. Hunter's endorsement of Ms. Krebs' credibility that caused the newspaper to publish the article, stating:

The compelling facts are these: The District Attorney, a duly sworn officer of the government and the highest law enforcement officer in Boulder County, believed the claims brought forward by the California woman merited full investigation.

Attachment E (*Ramsey Case: hard choices, tough calls for editors, Daily Camera May 7, 2000*)

Four months following his decision to shield John and Patsy Ramsey from certain public condemnation by not signing and filing the grand jury's indictment, Mr. Hunter and the Daily Camera deliberately destroyed the reputations and credibility of two of that grand jury's important witnesses.

The widespread defamation caused by the Daily Camera's reporting of Ms. Krebs' fabrications and false claims has been devastating for our family and should not be allowed to provide an enduring basis for the public to erroneously conclude that Fleet and Priscilla White should join, or perhaps replace, John and Patsy Ramsey under "the umbrella of suspicion" in JonBenet's death, which we have no doubt was the intention of both Mr. Hunter and the Daily Camera. As should now be obvious from Mr. Hunter's actions and the Daily Camera's reporting and editorializing throughout the investigation and grand jury proceedings, Mr. Hunter and the leadership of the Daily Camera shared a bias in favor of protecting the Ramseys from prosecution.

In regard to his apparent decision in 1999 to not sign and file the grand jury's indictment against the Ramseys, it is possible that Mr. Hunter was motivated in part by ethical considerations not to charge people with crimes unless he believed he could prove guilt beyond a reasonable doubt. On the other hand, Mr. Hunter apparently had no such ethical qualms in February 2000 when it came to publishing Ms. Krebs' lies for the purpose of destroying Fleet and Priscilla White and pushing them under the "umbrella."

We support Plaintiffs' request for disclosure of the written indictment that was prepared for and signed by the grand jury since doing so may provide a basis for (1) vindication of our family from accusations relating to the homicide of JonBenet Ramsey and (2) public scrutiny of Mr. Hunter's motives and official conduct with respect to the grand jury proceedings and the Ramsey investigation in general.

II.

DISCLOSURE OF THE GRAND JURY INDICTMENT IS NECESSARY FOR PUBLIC
SCRUTINY OF BOULDER DISTRICT ATTORNEY MARY LACY'S ACTIONS AND
STATEMENTS IN 2008 EXONERATING JOHN AND PATSY RAMSEY

In a July 9, 2008 press release, then-Boulder District Attorney Mary Lacy stated the following with respect to the investigation of JonBenet's death:

"The Boulder District Attorney's Office does not consider any member of the Ramsey family, including John, Patsy or Burke Ramsey, as suspects in this case."

Attachment F (*District Attorney Ramsey Press Release, July 9, 2008*)

In a publicly-released letter from Ms. Lacy addressed to John Ramsey also dated July 9, 2008, Ms. Lacy stated the following:

"To the extent that we may have contributed in any way to the public perception that you might have been involved in this crime, I am deeply sorry. No innocent person should have to endure such an extensive trial in the court of public opinion, especially when public officials have not had sufficient evidence to initiate a trial in a court of law. I have the greatest respect for the way you and your family have handled this adversity.

I am aware there that there will be those who will choose to continue to differ with our conclusion. But DNA is very often the most reliable forensic evidence we can hope to find and we rely on it often to bring to justice those who have committed crimes. I am very comfortable that our conclusion that this evidence has vindicated your family is based firmly on all of the evidence, including the reliable forensic DNA evidence that has been developed as a result of advances in that scientific field during this investigation.

We intend in the future to treat you as the victims of this crime, with the sympathy due you because of the horrific loss you have suffered. Otherwise, we will continue to refrain from publicly discussing the evidence in this case.

We hope that we will one day obtain a DNA match from the CODIS data bank that will lead to further evidence and to the solution of this crime... We hope that one day soon we will get a match to this perpetrator. We will, of course, contact you immediately. Perhaps only then will we begin to understand the psychopathy or motivation for this brutal and senseless crime."

Attachment G (*District Attorney Letter to John Ramsey, July 9, 2008*)

We wish to point out that following Ms. Lacy's July 9, 2008 statements, the recently-exonerated Mr. Ramsey was emboldened to express his suspicions regarding a "close friend" to a journalist as described in the October 13, 2008 article attached hereto as Exhibit B.

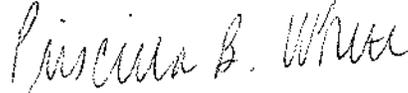
We support Plaintiffs' request for disclosure of the written indictment that was prepared for and signed by the grand jury since doing so will provide a means for public scrutiny of the basis for Ms. Lacy's exoneration of John and Patsy Ramsey and her official conduct and motives in doing so.

Please contact us with any questions or if you wish additional information regarding the content of this letter.

Respectfully,



Fleet Russell White, Jr.



Priscilla Brown White

cc Plaintiffs:

Thomas B. Kelly
Levine Sullivan Koch & Schulz LLP
1888 Sherman Street, Suite 370
Denver, CO 80203

Marianne Wesson
University of Colorado
401 UCB Wolf Law Bldg.
Boulder, CO 80309

Defendant:

Stanley L. Garnet, Esq.
Office of the District Attorney
Boulder County Justice Center
1777 Sixth Street
Boulder, CO 80302

ATTACHMENT A

City of Boulder News, Ramsey Update April 16, 1997

WHITE LETTER TO JUDGE LOWENBACH
DATED OCTOBER 15, 2013

RE: CASE 2013-CV-31393



CITY
OF
BOULDER

NEWS

FOR IMMEDIATE RELEASE

April 16, 1997

Contact: Leslie Aaholm, Media Relations, 441-3090

RAMSEY UPDATE APRIL 16 (#40)

- * Expenses incurred by the Boulder Police Department through March 30, 1997 are \$119,141. This includes \$21,377 expended in December, 1996 and an additional \$97,763 through 3/30/97. The 1997 expenditures include: \$69,406 for overtime; \$18,506 for travel and \$9,851 for investigative expenses.
- * In response to media inquiries and to clarify inaccurate statements, Boulder Police Chief Tom Koby has the following statement:

"Mr. and Mrs. Fleet White, Jr. are not suspects in the JonBenet Ramsey murder investigation. They are considered key witnesses. The Boulder Police Department appreciates the full cooperation they have received from the Whites since the beginning of their investigation. I feel this response is necessary due to the inaccurate portrayal of Mr. and Mrs. White in certain media publications."
- * The request by the Boulder District Attorney's Office and Boulder Police Department for a fifth handwriting sample from Patsy Ramsey is still being considered by lawyers for the Ramsey family. Colorado Bureau of Investigation continues to analyze samples previously submitted.
- * All Police investigators have returned to Boulder following out-of-state trips to conduct interviews and gather additional information.
- * The DNA testing continues at Cellmark. Testing began the week of March 31 and is expected to take four to six weeks to complete.

-CITY-

ATTACHMENT B

Lucinda Franks, *John Ramsey's Lingering Suspicions*, The Daily Beast, October 13, 2008

WHITE LETTER TO JUDGE LOWENBACH
DATED OCTOBER 15, 2013

RE: CASE 2013-CV-31393

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John Ramsey's Lingering Suspicions

Oct 13, 2008 2:14 AM EDT

Finally exonerated in the murder of his daughter, JonBenet, Ramsey talks about the loss of his wife and his wealth—and the suspicions that still haunt him

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Courtesy of John Ramsey

In his first in-depth interview since being exonerated in the murder of his daughter, JonBenet, John Ramsey speaks to The Daily Beast about the crime that shattered his life. Twelve years after finding the six-year-old beauty queen strangled in the basement of their Boulder, Colorado home, Ramsey this summer received a letter from the local District Attorney explaining that a new type of DNA test shows that a stranger killed his daughter.

The letter also apologized for the "ongoing, living hell" the Ramseys endured as prime suspects in the case, although Patsy Ramsey, who died of ovarian cancer in 2006, did not live to receive this courtesy.

Once wealthy, Ramsey has shed his plane, his boats and his cars, stopped golfing, stopped sailing. Now he is exhausting his IRAs.

Revisiting the case that tore Boulder apart, reporter Lucinda Franks reveals:

- Despite the new evidence, Ramsey is still haunted by suspicions that a close friend with access to the house had some role in the murder, and he questions this person's alibi.
- Michael Archuleta, who was the pilot of John's King Air Jet, and his wife, Pam—also speaking publicly for the first time—share Ramsey's suspicions.
- Contrary to what most people imagine, Ramsey is no longer a rich man, and he describes his family's long fall from wealth and privilege after the murder. "It takes four or five years for you to begin, just begin to get over

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it. Fear almost paralyzes you," he says. "You contemplate suicide because you have no desire to live. I was afraid to cross the street. I made bad decisions."

- Ramsey recounts how he sold the billion-dollar company he had built from scratch, then started another that failed. He shed the family's three big homes, the plane, the boat and the luxury cars, then found that he was virtually unemployable because of negative press attention. Now, drawing down his savings, he jokes ruefully that he may end up in a trailer.
- Ramsey also describes his wife's last years, stricken by a recurrence of ovarian cancer, and occasionally beset, as they both were, by terrible guilt that JonBenet's murder could have been prevented. Patsy, "wondered if the beauty contests she had put her in had drawn some pedophile," he says.
- Pam Archuleta describes an alcove outside the Ramseys' bedroom in Boulder where Patsy displayed the photos, trophies, and crowns from her own days as a Miss West Virginia.
- Pam Archuleta also talks about hiding the Ramseys from the press as they awaited a grand jury ruling, and watching Patsy "shrivel up before my eyes." Yet even then, Patsy could occasionally rally to make a joke about how horizontal prison stripes would make her look fat.
- Ramsey says the new evidence can "never bring back my life. Once your reputation is tarnished, it stays tarnished." But he now campaigns to expand the national DNA registry by requiring all states to take a sample from anyone charged with a felony in the hope that "one day I will get a call from somewhere in the country and a voice will say, "We know who killed your daughter."

[Read the full story on the next page](#)

John Ramsey, who was recently exonerated in the murder of his 6-year-old daughter, JonBenet, by a new, more sensitive type of DNA testing, hopes this technological advance can eventually ease his mind as well as clear his name.

After the child beauty queen was found strangled in the basement of her Boulder, Colorado home in 1996, Ramsey watched the grief, and the stress of being falsely accused, slowly kill his wife, Patsy, who died of cancer in 2006. A grand jury that sat for 13 months refused to indict the Ramseys, yet the Boulder District Attorney announced they were "still under an umbrella of suspicion," and they spent the next decade shunned by friends and hounded by the press.

Then, in July, a new Boulder DA, citing fresh DNA samples, officially cleared the Ramseys and apologized, in a letter, for the "ongoing, living hell" of their ordeal. In his first in-depth interview since receiving that letter, John Ramsey describes those painful years to *The Daily Beast*.

After the murder, Ramsey, who had built a billion-dollar computer company up from nothing, fell precipitously from the peak of wealth and prominence, losing not only his daughter, but also his career and his home. "The fact I'm no longer under suspicion will never bring back my life," he says. "Once your reputation is tarnished, it stays tarnished."

But Ramsey hopes that the new "touch" DNA evidence can eventually release him from the mental torment of not knowing who murdered his child, and from a haunting suspicion that it was someone in the family's inner circle. He and a few allies from Boulder suspect one particular friend who was familiar with the Ramseys' home and details of their life. However, District Attorney Mary Lacy, who took over the case in 2005, says that this individual "has been thoroughly vetted and cleared through the new DNA."

The discovery of DNA from an "unidentified male" in three places on JonBenet's long Johns allowed investigators to rule out the possibility that a single sample of this DNA found earlier belonged to a worker at a clothing factory (this was the original police theory). They also concluded that this stranger—not any of the people in the Ramseys' circle, who were previously tested—was the murderer.

Yet Ramsey's suspicions persist. Asked directly if he thinks this acquaintance killed JonBenet, Ramsey says, "Oh, I don't think so. But then he proceeds to poke holes in the man's alibi and describe how the Boulder police botched the

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investigation from the beginning. Moreover, Pam and Michael Archuleta, who remained close to the Ramseys and are also speaking publicly for the first time, tick off circumstantial evidence that they believe points to this man. Asked about the new samples of "stranger" DNA, Michael, who was the pilot of John Ramsey's King Air jet, adds, "perhaps this person's DNA was not found because he hired someone to do it for him."

As both a public service and a personal crusade, Ramsey now spends much of his time promoting state laws that mandate the lifting of a DNA sample from anyone accused of a felony, which would substantially expand the national DNA registry. (His website is DNAFINGERPRINTLAW.COM.)

At age 64, Ramsey still has the gloss of wealth about him. He greets me in a wine-colored cashmere sweater and yellow-checked shirt, his wavy hair the color of cornstalks in winter; he is smooth and genial, even debonair.

Ramsey now lives in remote Charlevoix, Michigan, cloistered in a modest mustard-colored house in the shadow of the mansion where he once spent summers. Driving by that grand Victorian house, he proudly shows me how he stripped off the original façade to put in a huge picture window so that his wife could sit in the parlor and gaze down at Lake Michigan. Now he is slowly repainting his small dwelling to prepare it for sale. Passing an old station wagon pulling a motor home, he says ruefully, "That's where I'll be living soon." It is not entirely a joke.

Since the murder, Ramsey has sold three big homes, in Atlanta, Boulder, and Charlevoix. He has shed his plane, his boats and his cars, stopped golfing, stopped sailing. Now he is exhausting his IRAs. No one will hire him because he invites negative press. Ramsey says he still does "just a bit of consulting. But the last job I did, I didn't even get paid for."

The next thing to go will be Patsy's oversized antiques—a Louis XV divan, Romantic paintings in thick rococo frames, sofas with throws draped over them, just the way his wife left them. A sunroom that Ramsey built to the dimensions of Patsy's big round floral rug is filled with wing chairs that you can disappear in. They surround an inlaid coffee table of Bunyanesque proportions. "That's Patsy," Ramsey says with a little smile, spreading his hands apart. "Larger than life." Scattered around the room are the paintings that his wife did, in a burst of creativity, during the last months of her life.

As we talk, it becomes clear that John is, in a sense, only partly present, his deepest feelings hidden behind a scrim where no one, least of all himself, can see anything but shadows.

Only in rare moments does a glimpse of vulnerability slip through his guard. I ask him how his losses have affected him. "These things tear something out of your heart, and nothing can ever repair it," he says almost inaudibly, his thumb supporting his chin, middle finger over his mouth.

"It takes four or five years for you to begin, just begin to get over it. Fear almost paralyzes you. You contemplate suicide because you have no desire to live. I was afraid to cross the street. I made bad decisions, like starting a computer software outfit a while after I was let go by General Electric, which had purchased my company, Access Graphics. We couldn't sell our house in Boulder and our attorneys finally took it off our hands for half the price we paid for it. I was in a daze. I would take benedryl and go to bed at 6 pm."

Then he sits up and in a stronger voice says: "As for Burke, I don't let anybody I don't know get near him." JonBenet's brother was nine years old at the time of the murder and is now a senior in college. "If anything happened to him, I wouldn't survive it."

"Sometimes, in a crowd, I will see the flash of a little coat that looks like JonBenet's... I can't stand to hear children cry, I really cannot bear it."

For solace, he goes every Sunday to a small church nearby, just as he did with Patsy. He obsessively reads the theology books that line the sunroom: Max

Lucado, C.S. Lewis, even Billy Graham. Having seen true evil, he is trying to find "an intellectual rather than an emotional basis for believing in God."

"Do you still feel married to Patsy?" I ask, "Do you think about her a lot?"

"No, no," he says, his face relaxed but his eyes miserable. "Just occasionally, when a pleasant memory comes back."

"You talk of her in the present tense," I say.

"Do I? Oh well, just an accident."

Four years before he lost JonBenet, Ramsey's daughter Beth from his first marriage was killed in a car crash. Shortly afterwards, Patsy was told she had Stage Four ovarian cancer, but delayed telling John so as not to add to his grief. She was hospitalized for a year while she endured intense but successful chemotherapy. Then, on the morning after Christmas in 1996, John found JonBenet crumpled in the wine cellar with a garrote sunk round her neck.

Such a flood of tragedy defies any normal reaction, and John Ramsey's responses have been often judged abnormal. It was his bizarre poise on the morning of the murder that first raised police suspicions about him. "They wanted me to wail and cry in front of them," he says. "It somehow escaped them that how people really feel is not always apparent."

John was also criticized for immediately getting a lawyer. "I got a call from someone in the law enforcement system on the second day. They told me I better do it, because the police were already considering me the prime suspect."

"It started when our frantic call brought a single rookie cop who was so inexperienced she didn't seal off the house or collect evidence. She even had to send out for a book on kidnapping," John says. "Then, later, they took 200 DNA samples and one by one they purportedly eliminated our friends and acquaintances so they could investigate the only people they really thought had done it—us. And our DNA wasn't even found on our child's body!"

Patsy became a suspect because of the similarity of her writing to that of the ransom note, "But no expert would say that the handwriting absolutely matched," John says. The police floated false rumors—such as the fact that no footprints had been found in the snow around the house, when there was no snow there that day—hoping to smoke out family members.

The tabloid press followed them everywhere. "They banged on our car and called us child killers. They printed garbage. A Japanese camera crew even broke into Burke's school," John says. "We worried. We didn't know who was out there. Someone had killed our daughter. All we wanted to do was protect Burke and give him a normal childhood."

After Geraldo Rivera broadcast a mock trial of the Ramseys, Patsy went to bed for two days. They took all of the TV sets out of the house and canceled the newspapers. One day, Patsy was in a supermarket checkout line with her son. "The headlines from a tabloid screamed out that Burke had done it," John says. "She dropped her produce and rushed Burke out, but the damage had been done." Burke saw a child psychologist for two years.

Ramsey admits, for the first time, that both he and Patsy suffered waves of guilt about the murder. "I kicked myself for not getting more sophisticated house security. We left it off that night because it would go off like a siren and catapult us out of bed."

Patsy, he says, "wondered who she had enticed by putting JonBenet in beauty contests." And both parents lamented that the videos of JonBenet vamping in these competitions—released by the pageant organizations—became the only thing most people knew about their daughter.

"But she was a born performer, she and Burke would put on all these plays," Ramsey says. The pageants were only an occasional fun thing."

Yet Pam Archuleta, over coffee and then wine at the Boulderado Hotel, said Patsy was "obsessed" by the contests, and she describes the alcove just outside the master bedroom in Boulder where Patsy displayed all the photos, trophies, ribbons and tiaras from her own days as Miss West Virginia. JonBenet's pageant costumes were "handmade in New York, much finer than the other contestants," says another family friend. "Her hair was highlighted, her makeup applied thickly and designed to make her look older. Besides, she had to take piano and singing lessons, she had a coach. Does that sound like fun?"

John Ramsey had misgivings about the cost of the costumes and the atmosphere of the pageant circuit: "I hated the 'I won, I won,' attitude of the other families," he says. Sometimes, according to Pam, he and Patsy argued about it: "He came from a well-bred background and things like that were not done."

Even Patsy expressed occasional doubts about the effect of the circuit on her daughter: "She is too friendly, just too friendly with people," she told Michael and Pam. "She flirts with people."

Patsy's Southern style was considered ostentatious by the understated citizens of Boulder. She coiffed her hair and wore high heels to run errands; she matched her kitchen wallpaper to her China pattern. But she was generous, civic-minded, and bountiful in her caring for other people. According to John, she even ended befriended the press pack.

"I would yell at them 'Get the hell out of here, bottom feeder!'" he says. "But she would sometimes go up to one outside the house and give him a hug and a kiss."

Pam and others recall a rawer side of Patsy: "She talked disparagingly about the people of Boulder, calling them 'aging hippies' with their long dresses, natural hair and Birkenstock shoes. She was quite nasty about the way they dressed."

Some friends saw JonBenet's bedwetting and other problems with toilet training as a protest against the pressure of the pageants. They believe she might have soldiered on to please her mother after Patsy's harrowing battle with cancer.

When JonBenet was two years old, Patsy was essentially absent for a year during her treatment. "JonBenet just stuck to me," John said, with a rare smile. "I was upset because Beth had just been killed in the accident and JonBenet would tell me 'Dad I don't like that face.' I would smile and she would say 'That's better.'"

But when Patsy recovered, her three-year-old daughter was all hers. They embarked on the grueling pageant circuit and JonBenet proceeded to act like a little adult for half of her childhood. She won more than two dozen trophies and lost more.

Pam Archuleta saw a fatigue in JonBenet during the last months of her life. "She had this haunted, defeated look. She looked frozen when she got that beauty queen attitude on. I think she was just plain worn out."

The last time the Ramsey family went to Boulder was two years after the murder, when the grand jury was ready to announce its verdict. They had decided that if they were indicted they would turn themselves in, but the press got wind of their plan and they had to hide at the Archuleta's inconspicuous ranch house.

"It was a real cloak and dagger operation," Pam recounts. "They were in Atlanta and they flew their plane not to Colorado but to Chattanooga, Tennessee and then to the tiny Erie Air Park outside Boulder. It was mainly for small private planes and when this big jet flew in, the mechanics couldn't believe it. I borrowed my friend's battered Volvo—the press would never guess they would be in there—and we speeded to my eye doctor's parking lot where I switched to my Audi. They lay down in the back seat. I was shaking the whole time I drove to my house."

John, and Patsy slept in a double bed squeezed into Mike's office and Burke slept with the Archuleta's son. "I was so nervous. I mean they were used to the highest luxury, double sinks, walk in closets, plasma TVs that dropped from the ceiling above their bed. But they were just so grateful and gracious about it."

The first night, Pam heard Patsy sobbing. "I went in and gathered her up in my arms. She had gotten so small and limp, like a rag doll." Pam could see the toll the enduring trauma had taken on Patsy. "She seemed shriveled and pale and I knew then that the cancer was coming back."

The next day Patsy put up a brave front. "We even joked," Pam remembers, and Patsy wished prison uniforms "had vertical stripes instead of horizontal so she wouldn't look fat."

"When we heard the verdict was coming in, we turned on the television and Patsy asked us all to hold hands and kneel down and pray. Then we heard "no indictment" and we jumped up and down and Patsy was shouting 'Praise God, Praise God!' And suddenly she wasn't this pathetic person but back to the strong friend I knew."

Still, the Ramseys were no longer welcome in Boulder, a quiet university community known for its relaxed, New Age flavor and progressive politics. They fled back to Atlanta, leaving behind a string of ruined friendships and damaged lives. Even a couple who had been among the Ramseys' very best friends turned against them when the wife began to suspect Patsy. Local radio announcers broadcast virulent accusations. "If they could have lynched us, they would have," John says.

People lost jobs for coming to the Ramseys' aid; two families went into seclusion; one woman seemed to simply disappear from sight. A famous restaurant owner went to jail for wielding a pipe at a reporter. Another couple quit their jobs and followed the Ramseys to Atlanta, only to end up unemployed when John Ramsey's new business failed. As for Pam Archuleta, "I lost my marriage," she says, beginning to weep. "Michael would go off in his plane and leave me to deal with hiding the Ramseys. I couldn't take it."

In his campaign for a larger DNA database, John Ramsey points out that thousands of rapes and murders can be prevented, for such criminals often strike many times. "DNA can, of course, exonerate people as well," he says wryly.

Because the new, more sensitive, "touch" DNA test can recover tiny samples from surfaces that the old DNA could not, more and more states are requiring that samples be taken on arrest.

"The last hope I have," he says, is that "one day I will get a call from somewhere in the country and a voice will say, 'We know who killed your daughter.'"

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Lucinda Franks is a Pulitzer Prize-winning journalist and author who was on the staff of the New York Times and has written for the New Yorker and the New York Times Book Review and Magazine. Her latest book is [My Father's Secret War](#), about her father, who was a spy for the OSS during World War II.

For inquiries, please contact The Daily Beast at editorial@thedailybeast.com.

1

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ATTACHMENT C

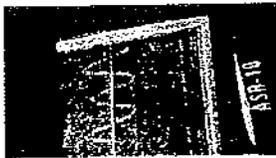
DA pursues new Ramsey lead, Daily Camera, February 25, 2000

WHITE LETTER TO JUDGE LOWENBACH
DATED OCTOBER 15, 2013

RE: CASE 2013-CV-31393

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INSIDE



Boulder County's newspaper



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DAILY CAMERA

Friday, February 25, 2000 • 25¢

SPORTS:
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PAGE 1C



DA pursues new Ramsey lead

Hunter asks police to investigate woman's story of sex abuse

By Barrie Hartman
Camera Staff Writer
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District Attorney Alex Hunter has turned over new information to Boulder police and the FBI that he says could provide a major breakthrough in solving the 3-year-old JonBenet Ramsey murder case.

The information is from testimony

ny and documents provided voluntarily by a 37-year-old California woman who was brought forward by Boulder attorney Lee Hill. The woman said she has suffered a lifetime of sexual and physical abuse, beginning at age 3. Her story, if true, could mean the Ramsey case is tangled in sexual abuse and involves more people than originally thought.

Hunter said he finds the woman to be "very believable." Boulder police detectives, however, aren't so sure.

"Even if only 15 percent of what she says is true," Hunter said, "this case warrants investigation. And if Boulder cops don't want to do it, I will take the case to the U.S. Attorney."

Police Chief Mark Beckner said

Thursday. "Though our detectives did not find her to be credible, we are taking what she said seriously."

"I'm interested in finding the truth no matter where it leads us," Beckner said the first thing his detectives will do is perform a thorough background check of the woman and meet with her therapist of 10 years in an attempt to corroborate her story.

ON THE WEB

More coverage of Ramsey case.
www.thedailycamera.com

Hill, who is a former San Diego County deputy district attorney and former special assistant U.S.

Please see HUNTER on 7A

TEXAS EXECUTION



States keeping welfare money

At least six states have

Teen: Guilty of careless driving

Plea deal offered after boy gives account of accident — he was

FROM PAGE 1A

Hunter pursues new lead in Ramsey murder case

Continued from 1A

attorney who is experienced in investigative work, said, "She is among the most credible witnesses I have ever interviewed." He is representing the woman in her decision to give information to authorities.

The woman has described to police years of sexual and physical abuse in California homes at the hands of adults who stayed at holiday and other parties after other guests had left for the evening. Then, she said, another "party," one of sexual abuse for the gratification of a select group of adults, would begin.

In talking to detectives, the woman draws parallels between sexual techniques used at these sessions and the physical evidence of garrotting that investigators found on the body of JonBenet Ramsey. The woman told detectives she believes JonBenet was seduced accidentally when an aviation technique used to stimulate an orgasmic response during a child sex and porno "party" went too far.

The woman told police she knows firsthand about asphyxiation (choking) to produce a sexual

response, because it had been done to her when she was a child. The woman said in her experience little girls were dressed provocatively and trained to say provocative things, such as, "It's a pleasure to please you."

She told police that when girls did not perform as expected, they were struck on the head. That was because their hair covered the wound. A big night for such "parties" was Christmas night, she said. Over the years, she said, many parties were held then because a large number of cars around a house did not arouse suspicion in the neighborhood and the children had a full week to heal from their wounds before returning to school.

JonBenet Ramsey's death occurred overnight Christmas, 1996. The autopsy report concluded she suffered a blow on the head and was strangled.

The woman said she knows the Ramseys through the Fleet White family. She said the godfather to her mother is Fleet White Sr., 86, of California. Fleet White Jr. of Boulder and John Ramsey were close friends until the death of JonBenet.

White Jr. was with John Ramsey when JonBenet's body was found in the basement of the Ramsey's Boulder home. White Jr. has since been crusading for Hunter's ouster from this case for refusing to prosecute the Ramseys.

Ramsey's attorney, Bryan Morgan, declined comment. Fleet White could not be reached Thursday.

Police cleared White as a suspect in April 1997.

Attorney Hill said the woman came forward because she was fearful for her life. She came to believe that people involved in child sexual abuse in California were becoming suspicious that she might try to talk to authorities. Hill said her main reason, however, was to try to save "other innocent victims who can't speak for themselves" from further sexual abuse.

The woman and her therapist of 10 years, Mary Bienkowski, saw Hill being interviewed on Fox television about a deposition he had taken of John Ramsey in a libel suit against a supermarket tabloid. They decided to contact him. The camera's efforts to reach Bienkowski have been unsuccessful.

Hill, struck by what he heard,

traveled to San Luis Obispo near Los Angeles on Feb. 11. He spent five hours interviewing both the woman and her therapist, and he videotaped supporting documents, which included personal notes, cards and family photographs that the woman says are from the Whites, both senior and junior.

Hill recounted details of the interview to Hunter in a meeting Feb. 16. With him was Stephen Singular, a Denver author who has pursued the Ramsey case for three years and is convinced the killing is linked to child sexual abuse. Both men expressed to Hunter intense frustration about the reluctance of police to consider evidence that deviated from their theories.

The woman called Hill again Saturday, and he arranged for her to fly to Denver. He picked her up at 12:30 a.m. Sunday at Denver International Airport and found safe housing for her.

Hunter immediately tried to arrange for detectives to interview the woman. Two detectives interviewed her at 3 p.m. Tuesday for nearly five hours.

It was during that interview that Hill learned Boulder police had received a missing person's report

on the woman. A relative of the woman filed the report with San Luis Obispo authorities, who called Boulder police. Boulder police, Hill said, responded that she was in Boulder and would be interviewed by detectives at 3 p.m. Tuesday. They also told San Luis Obispo police she was with Lee Hill.

"I couldn't believe it," Hill said. "We had told police her life was in danger; then they tell everyone where she is and what she is doing."

Contact **Barrie Hartman** at (303) 473-1390 or barrieh@thedailycamera.com.

Editor's note

Barrie Hartman is editor of the Daily Camera's opinion pages, and his writing does not normally appear in the news columns. In this case, the main sources of the above story stepped forward to give their information to Hartman in lengthy interviews. The woman quoted in the article, whom Boulder County District Attorney Alex Hunter believes possesses credible information regarding the JonBenet Ramsey case, has been interviewed by the Camera and the Boulder Police Department. She decided to tell her story after viewing a recent newscast about John Ramsey, father of JonBenet, based on statements he made in a legal deposition Oct. 20, 1998. The Daily Camera disclosed the content of that deposition in a news-article published Feb. 6.

She and her therapist then contacted Boulder attorney Lee Hill who put her in touch with Hartman and the district attorney.

Brazilian pleads guilty to driving charge

Continued from 1A

tried to park a Chevrolet Suburban

serve probation under supervision in Brazil.

was driving to McDonald's, Enwall said. In fact, he said, the boy was told to bring back food for several

Thursday and is pleased the boy took responsibility for the accident.

Your best friend

ATTACHMENT D

*City of Boulder News Release, Boulder Police end investigation into California woman's report,
May 15, 2000*

WHITE LETTER TO JUDGE LOWENBACH
DATED OCTOBER 15, 2013

RE: CASE 2013-CV-31393

News Release

May 15, 2000

Contact: Jana Petersen, Media Relations, (303) 441-3090

City's Home Page www.ci.boulder.co.us

City of Boulder



Boulder Police end investigation into California woman's report

Boulder Police and prosecutors have concluded an investigation that began in February when a 37-year-old California woman reported her belief that JonBenet Ramsey was murdered as part of a child sex ring. The investigation found no additional evidence to support this theory.

In February, the woman contacted the Boulder Daily Camera with allegations of a child sex abuse conspiracy involving her own family members, the Ramsey family and close friends of the Ramseys. The woman also claimed that some of her own family members were at a party attended by JonBenet Ramsey and her parents on December 25, 1996, just prior to JonBenet's death. The woman believed JonBenet was likely killed at the party by adults who sexually and physically abused her.

Boulder Police spent about 11 weeks investigating the allegations, which included conducting 22 interviews, reviewing medical and psychological records, reviewing photographs and recordings, consulting with a forensic psychiatrist, and comparing the allegations against physical evidence and current knowledge of the case. As a result, Boulder Police and prosecutors working on the case have concluded that other than the woman's statements, there is no evidence to support this theory of JonBenet's murder.

"The Boulder Police have spent a significant amount of time investigating the claims made by this woman and her attorney," Prosecutor Mike Kane said. "There is simply no credible evidence to link anything she alleges to the death of JonBenet. The expenditure of additional police and prosecutorial resources is unwarranted."

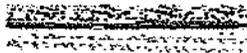
Boulder Police have made no judgments or conclusions about abuse the woman may have suffered in prior years in California. It is well established that she was a victim of sexual abuse in 1979-80, for which a suspect was arrested and convicted. However, current investigation did not find any connection between the abuse she suffered and the death of JonBenet Ramsey.

Boulder Police have forwarded information to the FBI in reference to some of the woman's allegations regarding the operation of a child sex ring. Police also advised her to contact California authorities with any information she has regarding crimes that may have occurred in California.

This is the second time Boulder Police have investigated the possibility of JonBenet's death being connected to a "sex ring" or pornographic operation involving numerous people. On each occasion, no credible evidence was found to support such speculation.

"We needed to take the time to complete a thorough investigation," Police Chief Mark Beckner said. "Unfortunately, the allegations have led to speculation that Fleet and Priscilla White, former close friends of the Ramseys and hosts of the 1996 Christmas party, were somehow involved in the sexual abuse and death of JonBenet. We have no evidence whatsoever to support this and have never had evidence to support such an allegation. Nor do we have any evidence that John and Patsy Ramsey were part of or participated in a child sex ring operation."

Because she is a sexual assault victim, Boulder Police are not releasing the name of the California woman.



ATTACHMENT E

Ramsey Case: hard choices, tough calls for editors, Daily Camera May 7, 2000

WHITE LETTER TO JUDGE LOWENBACH
DATED OCTOBER 15, 2013

RE: CASE 2013-CV-31393

Ramsey case: hard choices, tough calls for editors

I love my job. It is a privilege to practice journalism in Boulder County. The Daily Camera is blessed with readers who truly care about the community and the quality of the newspaper.

Most days, I go home feeling fulfilled and deeply rewarded for the chance to sit in the editor's office.

But some days are really hard. We live in an imperfect world and sometimes the news of the day is heartbreaking. I know the decisions I make about publishing those stories may bring pain to another human being.

You readers know that, too. Your sophistication about media and your high expectations for journalism and journalists put those of us in the profession under a microscope and rightly so.

Newspapers are the target of intense criticism these days. We are seen as intrusive and insensitive. To many we are not merely the messenger, but a big part of the problem. That's regrettable, because a good newspaper, and we try to be one, performs a vital role in the community. We publish information that allows you to make informed decisions.

In Boulder this media scrutiny has been particularly intense since Dec. 26, 1996. It was on that day that the murder of JonBenét Ramsey became a global news story.

This tragic story has resulted in journalism at its worst and at its best. We want to be part of the best. We believe the Daily Camera should be held to a particularly high standard because of our unique role as the local community newspaper. The Denver papers, the national tabloids and the television stations come and go with the ebb and flow of the next big story, and so does the attention of their readers and viewers. But those of us who live in Boulder County live with the story day in and day out. The names that appear in our news columns are those of our family, friends and neighbors.

Because of that, we strive for the highest level of journalistic integrity on every story every day. We have worked doubly hard on stories about the Ramsey case.

No decision in the coverage of this story has been easy. Each has been the subject of intense discussion and debate. In every case, other experienced editors might have made different decisions given the same set of facts. This is not Journalism 101. These are tough calls. They weigh heavily on every editor at the Camera.

- Editorials
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On Feb. 25, the Camera published yet another story about the Ramsey investigation. This story, about a woman from California who claims close knowledge of circumstances that seemed to her to be similar to those surrounding the death of JonBenét Ramsey, again tested our best editors and news judgment.

The story was like many we have published about the Ramsey investigation. In those stories and this one, there were troubling elements and references to local people who have been associated with the family or the investigation in one way or another from the beginning. Throughout the long months of reporting on this case, many local people have been investigated, questioned and ultimately cleared by police. In every case, the names of these community members remain a part of the public record.

Names, like accurate quotes, times and places, are essential facts in credible news reporting. Without them, news stories lack clarity. This creates an unfair atmosphere of guesswork among readers and casts a broad blanket of suspicion where none exists. Usually, based on documentation and reliable information from law enforcement officials, we have included names in news stories.

But we have been careful not to go farther than the facts support. This is important to the newspaper and to you, our readers. When you read stories about this case, or any criminal investigation, it is essential to center on the facts. This is really hard in this case because of the international coverage and the Internet exposure. Speculation and fact have become all mixed up.

In our reporting about this particular story, the name of Boulder resident Fleet White Jr. was published. The California woman said she had been introduced to the Ramsey family years ago through the White family. White and his wife Priscilla, who, as the Feb. 25 story said, have been cleared by police in the murder investigation, have written several letters strongly objecting to the family name being included in this story.

Deciding whether to publish this story, and whether to use White's name, even in a neutral way, were very difficult decisions involving hours of discussion and legal advice. The compelling facts were these: The District Attorney, a duly sworn officer of the government and the highest law enforcement officer in Boulder County, believed the claims brought forward by the California woman merited thorough police investigation. The only link between the woman and Boulder County was her association with the White family. At the same time, we believed it was essential to repeat the fact that the White family had been cleared by police. And, to further protect the Whites' reputation, we also pointed out that they have been aggressive in seeking Hunter's ouster for his refusal to prosecute the Ramseys.

I repeat. It is important for readers not to jump to conclusions.

That's why we were so careful to point out these facts. And yet, the Whites point out that some people have jumped to conclusions even though they were not supported by the facts in the story.

The police investigation into the woman's claims is ongoing. If they determine the woman's story is not credible after all you can count on the Camera to report that promptly and prominently.

The Whites' anger at the Camera is understandable. Yet, it is a troubling reality that the names of community members somehow connected to the Ramseys or the case continue to surface in the investigation, even after the individuals have been cleared by police.

May 7, 2000

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ATTACHMENT F

District Attorney Ramsey Press Release, July 9, 2008

WHITE LETTER TO JUDGE LOWENBACH
DATED OCTOBER 15, 2013

RE: CASE 2013-CV-31393



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Mary Lacy - Boulder District Attorney



DISTRICT ATTORNEY'S OFFICE
TWENTIETH JUDICIAL DISTRICT

MARY T. LACY, DISTRICT ATTORNEY

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Ramsey Press
Release
*Wednesday, July
09, 2008*
Mary Lacy
removes Ramsey
family as suspects
based on DNA
evidence.
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Attorney's
Office Press
Releases](#)

FOR IMMEDIATE RELEASE

Wednesday, July 09, 2008

Ramsey Press Release

CONTACT: CAROLYN FRENCH, AT 303-441-4869.

Boulder District Attorney Mary T. Lacy issues the following announcement with regard to the investigation of the murder of JonBenet Ramsey.

On December 25-26, 1996, JonBenet Ramsey was murdered in the home where she lived with her mother, father and brother. Despite a long and intensive investigation, the death of JonBenet remains unsolved.

The murder has received unprecedented publicity and has been shrouded in controversy. That publicity has led to many theories over the years in which suspicion has focused on one family member or another. However, there has been at least one persistent stumbling block to the possibility of prosecuting any Ramsey family members for the death of JonBenet – DNA.

As part of its investigation of the JonBenet Ramsey homicide, the Boulder Police identified genetic material with apparent evidentiary value. Over time, the police continued to investigate DNA, including taking advantage of advances in the science and methodology. One of the results of their efforts was that they identified genetic material and a DNA profile from drops of JonBenet's blood located in the crotch of the underwear she was wearing at the time her body was discovered. That genetic profile belongs to a male and does not belong to anyone in the Ramsey family.

The police department diligently compared that profile to a very large number of people associated with the victim, with her family, and with the investigation, and has not identified the source, innocent or otherwise, of this DNA. The Boulder Police and prosecutors assigned to this investigation in the past also worked conscientiously with laboratory analysts to obtain better results through new approaches and additional tests as they became available. Those efforts ultimately led to the discovery of sufficient genetic markers from this male profile to enter it into the national DNA data bank.

In December of 2002, the Boulder District Attorney's Office, under Mary T. Lacy, assumed responsibility for the investigation of the JonBenet Ramsey homicide. Since then, this office has worked with the Boulder Police Department to continue the investigation of this crime.

In early August of 2007, District Attorney Lacy attended a Continuing Education Program in West Virginia sponsored by the National Institute of Justice on Forensic Biology and DNA. The presenters discussed successful outcomes from a new methodology described as "touch DNA." One method for sampling for touch DNA is the "scraping method." In this process, forensic scientists scrape a surface where there is no observable stain or other indication of possible DNA in an effort to recover for analysis any genetic material that might nonetheless be present. This methodology was not well known in this country until recently and is still used infrequently.

In October of 2007, we decided to pursue the possibility of submitting additional items from the JonBenet Ramsey homicide to be examined using this methodology. We checked with a number of Colorado sources regarding which private laboratory to use for this work. Based upon multiple

recommendations, including that of the Boulder Police Department, we contacted the Bode Technology Group located near Washington, D.C., and initiated discussions with the professionals at that laboratory. First Assistant District Attorney Peter Maguire and Investigator Andy Horita spent a full day with staff members at the Bode facility in early December of 2007.

The Bode Technology laboratory applied the "touch DNA" scraping method to both sides of the waist area of the long johns that JonBenet Ramsey was wearing over her underwear when her body was discovered. These sites were chosen because evidence supports the likelihood that the perpetrator removed and/or replaced the long johns, perhaps by handling them on the sides near the waist.

On March 24, 2008, Bode informed us that they had recovered and identified genetic material from both sides of the waist area of the long johns. The unknown male profile previously identified from the inside crotch area of the underwear matched the DNA recovered from the long johns at Bode.

We consulted with a DNA expert from a different laboratory, who recommended additional investigation into the remote possibility that the DNA might have come from sources at the autopsy when this clothing was removed. Additional samples were obtained and then analyzed by the Colorado Bureau of Investigation to assist us in this effort. We received those results on June 27th of this year and are, as a result, confident that this DNA did not come from innocent sources at the autopsy. As mentioned above, extensive DNA testing had previously excluded people connected to the family and to the investigation as possible innocent sources.

I want to acknowledge my appreciation for the efforts of the Boulder Police Department, Bode Technology Group, the Colorado Bureau of Investigation, and the Denver Police Department Forensic Laboratory for the great work and assistance they have contributed to this investigation.

The unexplained third party DNA on the clothing of the victim is very significant and powerful evidence. It is very unlikely that there would be an innocent explanation for DNA found at three different locations on two separate items of clothing worn by the victim at the time of her murder. This is particularly true in this case because the matching DNA profiles were found on genetic material from inside the crotch of the victim's underwear and near the waist on both sides of her long johns, and because concerted efforts that might identify a source, and perhaps an innocent explanation, were unsuccessful.

It is therefore the position of the Boulder District Attorney's Office that this profile belongs to the perpetrator of the homicide.

DNA is very often the most reliable forensic evidence we can hope to find during a criminal investigation. We rely on it often to bring to justice those who have committed crimes. It can likewise be reliable evidence upon which to remove people from suspicion in appropriate cases.

The Boulder District Attorney's Office does not consider any member of the Ramsey family, including John, Patsy, or Burke Ramsey, as suspects in this case. We make this announcement now because we have recently obtained this new scientific evidence that adds significantly to the exculpatory value of the previous scientific evidence. We do so with full appreciation for the other evidence in this case.

Local, national, and even international publicity has focused on the murder of JonBenet Ramsey. Many members of the public came to believe that one or more of the Ramseys, including her mother or her father or even her brother, were responsible for this brutal homicide. Those suspicions were not based on evidence that had been tested in court; rather, they were based on evidence reported by the media.

It is the responsibility of every prosecutor to seek justice. That responsibility includes seeking justice for people whose reputations and lives can be damaged irreparably by the lingering specter of suspicion. In a highly publicized case, the detrimental impact of publicity and suspicion on people's lives can be extreme. The suspicions about the Ramseys in this case created an ongoing living hell for the Ramsey family and their friends, which added to their suffering from the unexplained and devastating loss of JonBenet.

For reasons including those discussed above, we believe that justice dictates that the Ramseys be treated only as victims of this very serious crime. We will accord them all the rights guaranteed to the victims of violent crimes under the law in Colorado and all the respect and sympathy due from one human being to another. To the extent that this office has added to the distress suffered by the Ramsey family at any time or to any degree, I offer my deepest apology.

We prefer that any tips related to this ongoing investigation be submitted in writing or via electronic mail to BoulderDA.org, but they can also be submitted to our tip line at (303) 441-1636.

This office will make no further statements. To read the text of the letter to John Ramsey click [here](#).

###

ATTACHMENT G

District Attorney Letter to John Ramsey, July 9, 2008

WHITE LETTER TO JUDGE LOWENBACH
DATED OCTOBER 15, 2013

RE: CASE 2013-CV-31393



DISTRICT ATTORNEY S OFFICE
TWENTIETH JUDICIAL DISTRICT

2

MARY T. LACY, DISTRICT ATTORNEY

July 9, 2008

Mr. John Ramsey

Dear Mr. Ramsey,

As you are aware, since December 2002, the Boulder District Attorney's Office has been the agency responsible for the investigation of the homicide of your daughter, JonBenet. I understand that the fact that we have not been able to identify the person who killed her is a great disappointment that is a continuing hardship for you and your family.

However, significant new evidence has recently been discovered through the application of relatively new methods of DNA analysis. This new scientific evidence convinces us that it is appropriate, given the circumstances of this case, to state that we do not consider your immediate family, including you, your wife, Datsy, and your son, Burke, to be under any suspicion in the commission of this crime. I wish we could have done so before Mrs. Ramsey died.

We became aware last summer that some private laboratories were conducting a new methodology described as "touch DNA." One method of sampling for touch DNA is the "scraping method." This is a process in which forensic scientists scrape places where there are no stains or other signs of the possible presence of DNA to recover for analysis any genetic material that might nonetheless be present. We contracted with the Bode Technology Group, a highly reputable laboratory recommended to us by several law enforcement agencies, to use the scraping method for touch DNA on the long johns that JonBenet wore and that were probably handled by the perpetrator during the course of this crime.

The Bode Technology laboratory was able to develop a profile from DNA recovered from the two sides of the long johns. The previously identified profile from the crotch

of the underwear worn by JonBenet at the time of the murder matched the DNA recovered from the long johns at Bode.

Unexplained DNA on the victim of a crime is powerful evidence. The match of male DNA on two separate items of clothing worn by the victim at the time of the murder makes it clear to us that an unknown male handled these items. Despite substantial efforts over the years to identify the source of this DNA, there is no innocent explanation for its incriminating presence at three sites on these two different items of clothing that JonBenet was wearing at the time of her murder.

Solving this crime remains our goal, and its ultimate resolution will depend on more than just matching DNA. However, given the history of the publicity surrounding this case, I believe it is important and appropriate to provide you with our opinion that your family was not responsible for this crime. Based on the DNA results and our serious consideration of all the other evidence, we are comfortable that the profile now in CODIS is the profile of the perpetrator of this murder.

To the extent that we may have contributed in any way to the public perception that you might have been involved in this crime, I am deeply sorry. No innocent person should have to endure such an extensive trial in the court of public opinion, especially when public officials have not had sufficient evidence to initiate a trial in a court of law. I have the greatest respect for the way you and your family have handled this adversity.

I am aware that there will be those who will choose to continue to differ with our conclusion. But DNA is very often the most reliable forensic evidence we can hope to find and we rely on it often to bring to justice those who have committed crimes. I am very comfortable that our conclusion that this evidence has vindicated your family is based firmly on all of the evidence, including the reliable forensic DNA evidence that has been developed as a result of advances in that scientific field during this investigation.

We intend in the future to treat you as the victims of this crime, with the sympathy due you because of the horrific loss you suffered. Otherwise, we will continue to refrain from publicly discussing the evidence in this case.

We hope that we will one day obtain a DNA match from the CODIS data bank that will lead to further evidence and to the solution of this crime. With recent legislative changes throughout the country, the number of profiles available for comparison in the CODIS data bank is growing steadily. Law enforcement agencies are receiving increasing numbers of cold hits on DNA profiles that have been in the system for many years. We hope that one day soon we will get a match to this perpetrator. We will, of course, contact you immediately. Perhaps only then will we begin to understand the psychopathy or motivation for this brutal and senseless crime.

Respectfully,



Mary T. Lacy
District Attorney
Twentieth Judicial District
Boulder, Colorado

EXHIBIT 4

Fleet Russell White Jr. & Priscilla Brown White

v.

Stanley L. Garnett

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWER AND RESPONSE TO REQUEST
FOR ORDER TO SHOW CAUSE**

Defendant's January 17, 2014 letter addressed to Plaintiffs



OFFICE OF THE DISTRICT ATTORNEY

TWENTIETH JUDICIAL DISTRICT

Stanley L. Garnett, District Attorney

January 17, 2014

Mr. & Mrs. Fleet White

Dear Mr. and Mrs. White

I understand, particularly after our meeting on January 7th, how terribly the Ramsey case and the attendant media coverage have affected your lives. I also understand that former District Attorney Mary Lacy indicated to you in a letter dated September 12, 2008 that you are not suspects, as did former Boulder Police Chief Tom Koby in a press release dated April 16, 1997. Moreover, as I have told you, I do not consider you to be suspects.

While I know you disagree, it is my firm belief that whatever any predecessor of this Office may have said or done regarding you and your role in the Ramsey case, and whatever might be out there in the press or on the internet, such will not be undone simply by my issuing a statement of any kind regarding this matter. Given that this is a cold case, unless something new arises (such as the grand jury issue last year), it will only further stir the pot and possibly inflame more speculation about you and your involvement in the case if I were to release any sort of statement.

I am very sorry that this has had such a negative impact on you and your family. That is unfortunate and unfair, but it is not something I am able to correct.

I wish you both well and hope that you are able to move on with your lives and past all of this.

Very truly yours,



Stan Garnett

EXHIBIT 5

Fleet Russell White Jr. & Priscilla Brown White

v.

Stanley L. Garnett

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWER AND RESPONSE TO REQUEST
FOR ORDER TO SHOW CAUSE**

January 23, 2014 Boulder Police Department press release

Jan. 23, 2014 - Boulder Police Department Statement Regarding the Family of Fleet White, Jr.

Thursday, Jan. 23, 2014

Contact: Kim Kobel, Boulder Police, 303-441-3370

Boulder Police Department statement regarding the family of Fleet White, Jr.

To correct past inaccurate statements and speculation appearing in the media, and at the request of Fleet and Priscilla White, the Boulder Police Department releases the following statement:

Since December 26, 1996, the homicide of JonBenet Ramsey has been the subject of widespread news reports and speculation by the media. A great deal of that reporting and speculation targeted innocent community members whose only connection to the crime was as cooperating witnesses. This includes the Fleet White, Jr. family of Boulder who suffered embarrassment and damage to their reputations. The Boulder Police Department recognizes the suffering the Whites have endured as a result of the accusations made against the White family during the course of the investigation.

The Boulder Police Department investigators have always considered the White family to only be witnesses in this case. The Boulder Police Department has never considered the White family to be suspects in the case. In 2000, the police department did investigate allegations made by a California woman to District Attorney Alex Hunter, as reported in the press, that were intended to cast suspicion on the White family. The department found no evidence to support the unfounded allegations. There has never been any evidence to link the White family to the JonBenet Ramsey homicide.

We wish to express our gratitude for the White family's cooperation and contributions in regard to the investigation of JonBenet's death.

Mark R. Beckner

Chief of Police

-- CITY--

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EXHIBIT 6

Fleet Russell White Jr. & Priscilla Brown White

v.

Stanley L. Garnett

**PLAINTIFFS' REPLY TO DEFENDANT'S ANSWER AND RESPONSE TO REQUEST
FOR ORDER TO SHOW CAUSE**

Charlie Brennan, *Fleet, Priscilla White denied official Ramsey exoneration statement by DA*
DAILY CAMERA (January 24, 2014)

Fleet, Priscilla White denied official Ramsey exoneration statement by DA

But in letter, Stan Garnett tells couple he doesn't consider them suspects

By *Charlie Brennan*

Camera Staff Writer

POSTED: 01/24/2014 05:14:52 PM MST
UPDATED: 01/24/2014 05:18:20 PM MST

Boulder District Attorney Stan Garnett released a letter Friday showing he, too, had been pressed recently by acquaintances of John and Patsy Ramsey to issue a public statement exonerating them in JonBenet Ramsey's death, but that he declined to do so.

Fleet and Priscilla White, of Boulder, were in the Ramseys' home at their invitation at the time that JonBenet's body was discovered Dec. 26, 1996. The Whites were exonerated in a public statement issued Thursday by Boulder Police Chief Mark Beckner.

Beckner's statement, the third official exoneration of the Whites over the past 17 years, said police investigators have "always considered the White family to only be witnesses in this case" and that they were never suspects.

The Whites had already been formally exonerated in April 1997 by Beckner's predecessor, and again in September 2008 by then-DA Mary Lacy. That left some case observers questioning why the couple — who were among several family friends in the Ramsey home at the time JonBenet's body was recovered — felt it important to be publicly cleared one more time.

The letter from Garnett to the Whites, dated Jan. 17 and released by Garnett in response to an open records request by the Daily Camera, was written in the wake of a meeting between Garnett and the couple that took place Jan. 7.

In his letter, Garnett wrote, "While I know you disagree, it is my firm belief that whatever any predecessor of this Office may have said or done regarding you and your role in the Ramsey case, and whatever might be out there in the press or on the Internet, such will not be undone simply by my issuing a statement of any kind regarding this matter.

"Given that this is a cold case, unless something new arises (such as the grand jury issue last year), it will only further stir the pot and possibly inflame more speculation about you and your involvement in the case if I were to release any sort of statement."

And although Garnett declined to issue the public statement that the Whites sought, his letter to them also noted, "Moreover, as I have told you, I do not consider you to be suspects."

White, in an email Friday, responded to Garnett's letter by saying, "We appreciate the District Attorney's January 17 letter as well as his published comments regarding Chief Beckner's recent statement."

Garnett, in an interview Friday, said a fresh statement of exoneration is something the Whites have been keen to have from officials.

"They've contacted me a number of times on the topic," Garnett said. "They wanted me to issue a statement. I didn't think that was appropriate.



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Fleet White, attending an October hearing concerning the JonBenet Ramsey case indictments in Boulder District Court. (Jeremy Papasso/ Daily Camera)

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JonBenet Ramsey (Jeremy Papasso/ Daily Camera)

"I think the role of district attorneys is to present cases -- in court, in most instances. But I told them I would send them a letter in response to the meeting, and this is the letter that I sent."

Beckner on Friday kept his comments brief on why he did what Garnett would not.

"It was basically done to help them get beyond this, and I agreed to do it," Beckner said.

A department news release Thursday attributed to Beckner stated it was being issued "to correct past inaccurate statements and speculation appearing in the media, and at the request of Fleet and Priscilla White."

JonBenet Ramsey, 6, was found beaten and strangled in the family's basement about eight hours after Patsy Ramsey called 911 early on the morning after Christmas 1996, reporting that her daughter was missing, and that she had found a ransom note demanding \$118,000 for her daughter's safe return.

A grand jury heard evidence for 13 months but disbanded in October 1999 with no further action by then-DA Alex Hunter.

The Camera reported in a January 2013 exclusive that the grand jury had voted to indict both John and Patsy Ramsey, but that Hunter had declined to prosecute the case due to what he believed was insufficient evidence.

A judge in October ordered that those indictments finally be made public. They showed that both of JonBenet's parents had been indicted for child abuse resulting in death and accessory to the crime of first-degree murder.

The statute of limitations on those charges expired after three years, and Patsy Ramsey died from cancer in June 2006.

Contact Camera Staff Writer Charlie Brennan at 303-473-1327 or brennanc@dailycamera.com (<mailto:brennanc@dailycamera.com>).

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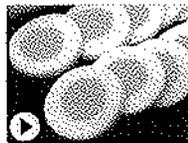
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