

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: Boulder County Justice Center 1777 Sixth St Boulder, Colorado 80302 Court Phone: (303) 441-3750	COURT USE ONLY
<b>Plaintiffs:</b> <b>FLEET RUSSELL WHITE, JR.,</b> an individual; and <b>PRISCILLA BROWN WHITE,</b> an individual  v.  <b>Defendant:</b> <b>STANLEY L. GARNETT,</b> in his official capacity as the District Attorney for the Twentieth Judicial District	
Attorney Name: Sean P. Finn, Reg. #34455 Trial Chief Deputy Boulder County Justice Center 1777 Sixth St Boulder, CO 80302  Attorney Phone: (303) 441-3787 Attorney Fax: (303) 441-4703 Attorney E-mail: sefinn@bouldercounty.org	
<b>RESPONSE TO REQUEST FOR ORDER TO SHOW CAUSE</b>	

Sean P. Finn, Chief Trial Deputy and Custodian of Records for the Office of the District Attorney for the Twentieth Judicial District, and on behalf of Stanley L. Garnett, District Attorney for the Twentieth Judicial District, respectfully submits this Response to Plaintiffs' Complaint and Application for Order to Show Cause.

## I. INTRODUCTION

The issues raised by Plaintiffs' request have been previously addressed by this court in the case of *Brennan v. Garnett*, 2013CV31393. This office is bound by the order in that case, which ordered that some, but not all, of the requested documents be disclosed. The People have made available the documents that the court ordered could be disclosed, but are not free to violate that order, or Colorado Rule of Criminal Procedure 6.2, which requires that Grand Jury proceedings remain secret.

## II. ARGUMENT

Plaintiffs assert that the Office of the District Attorney has in its custody, possession, or control previously undisclosed criminal justice records constituting official actions of the Ramsey Grand Jury. This is incorrect. While such official actions would be subject to

disclosure pursuant to §§ 24-72-302(7), 24-72-303 & 304, C.R.S., the scope of what documents constitute "official actions" was litigated in the case of *Brennan v. Garnett*, Boulder Case Number 2013CV31393. In that case, Mr. Brennan sought the same documents that are at issue here, and argued in part that any proposed indictment, signed or not, constitutes an "official action" of the Grand Jury and is therefore subject to public disclosure. In response, the People pointed out that Grand Jury proceedings are secret, and that while the public may have a general interest in the activities of a Grand Jury, that interest is not sufficient to compel public disclosure in every case. See Response to Order to Show Cause, attached hereto as Exhibit 1.

The court considered the arguments of the parties, and ordered a limited disclosure. See Order Directing Release of Official Action of Grand Jury, attached hereto as Exhibit 2. The court held that "the only pages that are 'official actions of' the Grand Jury are those signed by the Foreman of the Grand Jury." The court therefore allowed only those documents that were signed by the Grand Jury to be disclosed. It denied a request to disclose the entire Grand Jury record, recognizing that "[s]uch an action would set a precedent that would impede other Grand Juries in performing their functions under statute and rule."

In the present case, Plaintiffs seemingly disagree with the court's analysis, and have repeatedly requested that all of the requested documents be disclosed. But the People are subject to the orders of this court under penalty of contempt. Moreover, Colorado Rule of Criminal Procedure 6.2 mandates that Grand Jury proceedings remain secret. Breaches of this Rule are similarly punishable as contempt. See e.g. *Pankratz v. District Court In and For City and County of Denver*, 609 P.2d 1101 (Colo. 1980).

The People's interest in maintaining Grand Jury secrecy has been fully briefed in the case of *Brennan v. Garnett*, and is a matter of public record. It has been observed that Grand Jury secrecy encourages witnesses to testify freely with respect to the commission of crimes. See *Wagner v. Hilkey*, 914 P.2d 460, 462-463 (Colo. App. 1995) (citing *In re P.R. v. District Court*, 637 P.2d 346 (Colo. 1981)). Further, Grand Jury secrecy serves to check the power of the Grand Jury by protecting citizens against unfounded accusations of criminal misconduct that cannot be answered in an authoritative forum, and that the rule of secrecy is "as important for the protection of the innocent as for the pursuit of the guilty." *In re 2003-2004 Term of State Grand Jury*, 148 P.3d 440, 443 (Colo. App. 2006) (internal citations omitted). That rationale, which is based in Rule 6.2, would in itself be a sufficient basis for the People to oppose Plaintiffs' request. Additionally here however, there is also a court order precluding such a disclosure.

The People therefore respectfully request that Plaintiffs' Application for Order to Show Cause be denied, and the case be dismissed.

Respectfully submitted,

By:

/s/ Sean P. Finn  
Sean P. Finn, Reg. #34455  
Chief Trial Deputy / Custodian of Records  
July 24, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this **RESPONSE TO REQUEST FOR ORDER TO SHOW CAUSE** was served via the ICCES electronic filing system to:

Fleet Russell White, Jr.  
Prescilla Brown white

/s/ Catherine Olguin Dated: July 21, 2014

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: Boulder County Justice Center 1777 Sixth St Boulder, Colorado 80302 Court Phone: (303) 441-3750	COURT USE ONLY
<b>Plaintiffs:</b> <b>FLEET RUSSELL WHITE, JR.</b> , an individual; and <b>PRISCILLA BROWN WHITE</b> , an individual  v.  <b>Defendant:</b> <b>STANLEY L. GARNETT</b> , in his official capacity as the District Attorney for the Twentieth Judicial District	
Attorney Name:      Sean P. Finn, Reg. #34455 Trial Chief Deputy Boulder County Justice Center 1777 Sixth St Boulder, CO 80302 Attorney Phone:      (303) 441-3787 Attorney Fax:         (303) 441-4703 Attorney E-mail:      sefinn@bouldercounty.org	
<b>DEFENDANT'S EXHIBITS TO RESPONSE TO ORDER TO SHOW CAUSE</b>	

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: Boulder County Justice Center 1777 Sixth Street Boulder, Colorado 80302 Court Phone: (303) 441-3750		<b>COURT USE ONLY</b>  DATE FILED: October 8, 2013 11:11 AM FILING ID: 5E2D0C01FC70F CASE NUMBER: 2013CV31393
<b>Plaintiffs:</b> <b>CHARLIE BRENNAN</b> , an individual; and <b>REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS</b> , an unincorporated association  v.		
<b>Defendant:</b> <b>STANLEY L. GARNETT</b> , in his official capacity as the District Attorney for the Twentieth Judicial District		
Attorney Name: Sean P. Finn, Reg. #34455 Chief Trial Deputy Boulder Justice Center 1777 Sixth Street Boulder, CO 80302  Attorney Phone: (303) 441-3787 Attorney Fax: (303) 441-4703 Attorney E-mail: sefinn@bouldercounty.org	Case No: 13CV31393  Division:	
<b>RESPONSE TO ORDER TO SHOW CAUSE</b>		

Sean P. Finn, Chief Trial Deputy/Custodian of Records for the Office of the District Attorney for the Twentieth Judicial District, and on behalf of Stanley L. Garnett, District Attorney for the Twentieth Judicial District, respectfully submits this Response to Order to Show Cause and states as follows:

### I. INTRODUCTION

The Plaintiffs' interest in the documents they have requested is understandable; few cases have captured the interest of Coloradans, and people throughout the world, like the death of 6 year old JonBenét Ramsey. The resultant, 17 year media fascination with this case makes perfect sense; every time a story appears in the media about this tragic case, the public takes notice.

But the issues raised by Plaintiffs' request and lawsuit are more important than any one case. Every grand juror, and every witness who appears before a grand jury, takes an oath of secrecy, and every witness and grand juror is promised that those involved in the process will honor that oath. For this defendant to accede to Plaintiffs' request and hand over documents from this grand jury would be a breach of promise to the hundreds of citizens serving on grand juries across

Colorado, and would undermine the assurances given to grand jurors and witnesses who will be promised secrecy in the future.

## II. BACKGROUND

On September 18, 2013, Charlie Brennan and Reporters Committee for the Freedom of the Press (hereinafter “Plaintiffs”) filed a Complaint with the Boulder County District Court seeking to secure access under the Colorado Criminal Justice Records Act (“CCJRA”) to a certain criminal justice record from the custodian of the record, District Attorney Stanley L. Garnett. *See* Plaintiffs’ Complaint at 2.

Specifically, Plaintiffs indicate they are looking for “an indictment that was duly voted upon by the Grand Jury empaneled to investigate the murder of JonBenét Ramsey, and duly signed by the Grand Jury foreperson, charging John Ramsey and Patsy Ramsey with the crime of child abuse resulting in death, a Class 2 felony, pursuant to § 18-6-401(7)(a)(I), C.R.S., which has not been officially disclosed to the public.” *See* Plaintiffs’ Complaint at 2.

As a basis for relief, Plaintiffs make three arguments. They first contend that the Indictment is a criminal justice record *that reflects official action* by the Grand Jury, and accordingly that it is subject to mandatory disclosure upon request pursuant to §§ 24-72-303 & 304, C.R.S. *See* Plaintiffs’ Complaint at 5. (emphasis added).

Alternatively, the Plaintiffs submit that the Indictment should be treated as a report by the Grand Jury, which is subject to disclosure and should be disclosed at the direction of this Court pursuant to § 16-5-205.5(d), C.R.S. *Id.*

Lastly, they argue that the Indictment should be disclosed to the public because such disclosure would serve the public interest in government transparency and not be contrary to the public interest nor cause undue adverse effect upon the privacy of any individual. *Id.*

## III. SUMMARY OF THE ARGUMENT

Colorado Rule of Criminal Procedure 6.2 mandates that grand jury proceedings remain secret. Grand jury secrecy encourages witnesses to testify freely with respect to the commission of crimes. *See Wagner v. Hilkey*, 914 P.2d 460, 462-463 (Colo. App. 1995) (citing *In re P.R. v. District Court*, 637 P.2d 346 (Colo.1981)). It has further been said that secrecy serves to check the power of the grand jury by protecting citizens against unfounded accusations of criminal misconduct that cannot be answered in an authoritative forum, and that the rule of secrecy is “as important for the protection of the innocent as for the pursuit of the guilty.” *In re 2003-2004 Term of State Grand Jury*, 148 P.3d 440, 443 (Colo. App. 2006) (internal citations omitted).

As Plaintiffs point out in their Complaint, the People’s objections to disclosure in this case stem not from the unique factual scenario at issue here. The People would obviously not dispute that the facts as set forth in the Complaint present a situation that is somewhat unique. But the

People cannot overlook the importance of secrecy to the functioning of the grand jury system, or the obvious conclusion that the Rules must apply equally in all cases.

The Colorado Supreme Court addressed the need for grand jury secrecy in the case of *In re 2000-2001 Dist. Grand Jury in and for First Judicial Dist.*, 97 P.3d 921, 927 (Colo. 2004):

The tradition of grand jury secrecy has long been recognized by this court. That secrecy has been maintained for several reasons. Those reasons include the motivation to insure the utmost freedom to the grand jury in its deliberations, and to prevent persons subject to indictment or their friends from importuning the grand jurors and to encourage free and untrammelled disclosures by persons who have information with respect to the commission of crimes.

(Internal citations and quotations omitted.)

Chief Judge Finesilver took a similar tone in the case of *In re Grand Jury Proceedings, Special Grand Jury 89-2*:

The integrity of the grand jury system, an institution in existence since 1166, rests upon faithful discharge of the oath to remain silent and fair. An oath broken by accusation is a mockery of equanimity made concrete. It is a passing of judgment all too regrettably not avoidable in the conversation of private society. A court of law, however, is the sole means of protecting individual privacy from the airing of private judgment unguided by standards of due process. Where state power has created an investigative body of citizens, enabling private judgment to inform itself and to cloak itself in the accoutrements of legitimacy, it is state power that must step in to police its creation. Congress has embodied its agreement with these principles in law, and it is such laws that allow us to live in a structured society, in a government of laws and not individuals.

813 F.Supp. 1451, 1458 (D.Colo. 1992).

Plaintiffs' request, that secret grand jury documents be disclosed, should be denied, not due to the particularities of this unique case, but because these same concerns exist in all cases equally.

#### **IV. THE REQUESTED RECORDS ARE NOT SUBJECT TO DISCLOSURE PURSUANT TO §§24-72-303 AND 72-24-304, C.R.S.**

Plaintiffs' allegation, that the Indictment is a criminal justice record that reflects official action by the Grand Jury, and accordingly that it is subject to mandatory disclosure upon request pursuant to §§ 24-72-303 & 304, C.R.S. is incorrect. Disclosure of the documents Plaintiffs describe is not compelled by either of these statutes.

Pursuant to §24-72-303, C.R.S., "[r]ecords of official actions" are subject to disclosure and inspection. Indictments are, by definition, documents that have been signed by both the grand



jury foreperson and the prosecuting attorney. See Colo. R. Crim. P. 7(a)(2)(IV); see also §16-5-201, C.R.S. (an indictment must be signed by both "the foreman of the grand jury returning it and by the prosecuting attorney, his or her assistant, or his or her deputy."). Therefore, while the term "official action" includes indictments, it does not include documents of the type Plaintiffs describe. See Section 24-72-302(7), C.R.S.

While the question of whether a document unsigned by the prosecutor may constitute an "indictment" has not been directly addressed by Colorado State Courts, the case of *In re Grand Jury Proceedings, Special Grand Jury 89-2*, 813 F.Supp. 1451 (D.Colo. 1992), is highly persuasive. *In re: Grand Jury Proceedings* involved a request to release "unsigned indictments" associated with a Federal grand jury investigation into the Rocky Flats Nuclear Plant. Similar to the situation here, the documents sought included "indictments not signed by a U.S. Attorney or instruments designated as presentments." The court refused to compel disclosure:

[W]hether a document should be returned in open court begs the question of whether it is an indictment. The requirement that an indictment be returned in open court is based on the premise that a true indictment officially charges an individual with a crime, and that the public has the right to know of that charge just as the accused has the right to a fair, or public, hearing. Here, however, there exists no indictment signed by both Special Grand Jury 89-2 and the United States Attorney.

*In re Grand Jury Proceedings*, 813 F.Supp. at 1462.

This case is particularly persuasive as Federal and Colorado law use nearly identical language to require that an indictment be signed by the prosecuting attorney.<sup>1</sup>

Disclosure is also not compelled by §24-72-304, C.R.S., entitled "Inspection of criminal justice records." By using the words "except as otherwise provided by law," this statute expressly recognizes that not all criminal justice records are subject to disclosure. Grand jury materials of the type plaintiffs seek are just such documents.

The rules of criminal procedure require that the proceedings of the grand jury shall be secret. The oath of secrecy continues until an indictment is made public or until a grand jury report dealing with the investigation is issued and made public as provided by law. See Crim. P. 6.2(a) ("[a]ll persons associated with a grand jury and its investigations or functions should at all times be aware that a grand jury is an investigative body, the proceedings of which shall be secret. Witnesses or persons under investigation should be dealt with privately to insure fairness. The oath of secrecy shall continue until such time as an indictment is made public, if an indictment is returned, or until a grand jury report dealing with the investigation is issued and made public as provided by law."); see also *In re Matter of 2000-2001 Dist. Grand Jury in and for First Judicial*

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<sup>1</sup> State law says "[e]very indictment of the grand jury shall state the crime charged and essential facts which constitute the offense. It also should state... That it is signed by the foreman of the grand jury, and the prosecutor." Colo. Rule Crim. Pro. 7(a)(2)(IV). Federal law says "[t]he indictment or information must be a plain, concise, and definite written statement of the essential facts constituting the offense charged and must be signed by an attorney for the government." Fed. Rule Crim. Pro. 7(c).



*Dist., State of Colo.*, 77 P.3d 779, 785 (Colo. App. 2003); *see also In re Grand Jury Proceedings*, 813 F.Supp. 1451, 1458 (D.Colo. 1992) (“[t]he oath of the grand juror, then, is a serious matter. It is a sacrosanct promise that allows of no exceptions even when a grand jury disagrees with a prosecutor or a court of law.”).

Because no indictment or report has been made public, the proceedings must remain secret and are therefore not subject to disclosure.

Moreover, the court in *In re: Grand Jury Proceedings*, *supra* voiced a policy concern shared by the People: a rule allowing disclosure under these circumstances would be detrimental to the operation and functioning of the grand jury system as a whole:

The Court emphasizes that a breach of secrecy allowed to stand without refutation or judicial comment sets a troublesome precedent that affects other grand and general, or petit, juries. Such a precedent would give license to future grand juries to deviate from or disregard established laws and procedures, to willfully breach the confidentiality of the grand jury, and to make public comment on matters occurring before it which were received as an incident of jury service. No matter how noble the purpose, extralegal disclosures of information and breaches of grand jury secrecy cannot be allowed to stand uncontested by a court of law.

*In re Grand Jury Proceedings*, *supra*, 813 F.Supp. at 1455.

The above statutes and caselaw present significant authority, and more than sufficient justification, for the People’s position that under these circumstances, the Colorado Criminal Justice Records Act does not require disclosure of the documents Plaintiffs seek.

#### **V. THE REQUESTED DOCUMENTS ARE NOT SUBJECT TO DISCLOSURE AS A GRAND JURY REPORT.**

Plaintiffs assert in the alternative that the “Indictment” should be treated as a report by the grand jury, which is subject to disclosure and should be disclosed pursuant to § 16-5-205.5(5)(d), C.R.S. The People recognize that there is some support for this approach in the case of *In re Grand Jury Proceedings, Special Grand Jury 89-2*, 813 F.Supp. at 1460, n.4. In that case, the court noted that a document alleged to be in the nature of an “indictment,” which was not signed by an attorney, would be analyzed, for purposes of release to the public, within the same framework as a grand jury report. Such an inquiry would again compel nondisclosure here.

There are specific statutory requirements that must be satisfied by the grand jury, the prosecutor, and the court before the grand jury may issue a report:

In any case in which a grand jury does not return an indictment, the grand jury may prepare or ask to be prepared a report of its findings if the grand jury determines that preparation and release of a report would be in the public interest, as described in subsection (5) of this section. The determination to prepare and release a report pursuant to this section must be made by an affirmative vote of at

least the number of jurors that would have been required to return an indictment. The report shall be accompanied by certification that the grand jury has determined that release of the report is in the public interest, as described in subsection (5) of this section.

Section 16-5-205.5(1), C.R.S.

At the outset, we note that Plaintiffs seek in their complaint a document in the nature of an indictment. The first sentence of §16-5-205.5(1), C.R.S., demonstrates the fact that a report is substantially different; in fact, a report may be completed only where "a grand jury does not return an indictment."

Even if this were a document in the nature of a report, upon receiving such a report from the grand jury, before the document becomes public, the prosecutor must give notice to all persons and entities named in the report, and give them an opportunity to respond. *See* §16-5-205.5(3), C.R.S. The prosecuting attorney must then submit the report and responses to the court, along with a certification of public interest. *See* §16-5-205.5(4), C.R.S.

The documents described in Plaintiffs' complaint are alleged to be indictments that were provided to the prosecutor, but were not signed by him, and went no farther. There is no allegation that the above procedure was undertaken, and therefore, the "indictment" is not a report that may be made public. Moreover, even if this court were to examine the documents for disclosure as a report in the absence of the process described in §16-5-205.5(4), C.R.S., it could disclose the "report" only if it was satisfied that, *inter alia*:

- (b) The grand jury foreman and the prosecuting attorney have verified on the record that:
  - (I) The certification of public interest by the grand jury complies with the provisions of subsection (5) of this section; and
  - (II) The report is based on facts revealed in the course of the grand jury investigation and is supported by a preponderance of the evidence; and
  - (III) The report does not contain material the sole effect of which is to ridicule or abuse a person or business or to subject such person or business to public disgrace or embarrassment; and
  - (IV) The report does not contain material that is personal in nature that does not relate to any lawful inquiry; and
  - (V) No confidentiality agreement will be violated and the identity of no confidential informant will be disclosed in making such grand jury report public; and

- (VI) The filing of such report as a public record does not prejudice the fair consideration of a criminal matter.

Section 16-5-205.5(4), C.R.S.

Again here, the documents sought by Plaintiffs were allegedly provided to the district attorney as indictments that were ultimately left unsigned by the prosecutor. There is no allegation that such a verification procedure was ever undertaken, as again, these documents were never intended to comprise a "report." As such, they are not now subject to public disclosure. To the extent that a citation is required, the People note that *In re Grand Jury Proceedings, Special Grand Jury 89-2*, 813 F.Supp. at 1466 – 1467 cited to *United Electrical*, 111 F.Supp. 858, 867 for the proposition that a grand jury may not, under guise of presentment, render advisory opinions, nor simply accuse, compelling the accused to stand mute.

**VI. PUBLIC POLICY DOES NOT OVERRIDE STATUTORY AUTHORITY, AND WOULD NOT SERVE THE PUBLIC INTEREST.**

Lastly, Defendant claims that the "Indictment" should be disclosed to the public because such disclosure would serve the public interest in government transparency and not be contrary to the public interest nor cause undue adverse effect upon the privacy of any individual. This argument fails for the same reasons enumerated above. No authority has been presented to support the proposition that grand jury secrecy, as described in Rule 6.2 of the Colorado Rules of Criminal Procedure, should be overridden where there is a sufficient public interest in disclosure, and we are aware of none. As explained above, courts have repeatedly maintained that the need for secrecy in the grand jury context is of utmost importance.

The People are not blind to the fact that this case has remained firmly in the public consciousness for more than a decade, and that this is not likely to pass any time soon. This interest is certainly reasonable considering the tragedy that occurred on December 26, 1996. The fact that our laws require secrecy in this context is understandably frustrating to the media and others. Nevertheless, as stated by a court faced with a similar question, "it is such laws that allow us to live in a structured society, in a government of laws and not individuals." *In re Grand Jury Proceedings, supra*, at 1458.

Respectfully submitted,

By: /s/ Sean P. Finn  
Sean P. Finn, Reg. #34455  
Chief Trial Deputy  
October 8, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on October 8, 2013 a true and correct copy of the foregoing **RESPONSE TO ORDER TO SHOW CAUSE** was filed with the Court and served upon the following parties via ICCES Electronic Filing System:

Thomas B. Kelley  
Steven D. Zansberg  
Christopher P. Beall  
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

/s/ Catherine Olguin





evidence to initiate a trial in a court of law." Ms. Lacy concludes by saying, "We [the District Attorney's Office] intend in the future to treat you as the victims of this crime . . ."

The court is sympathetic to the position of Mr. Ramsey but has nonetheless concluded that as an "official action" of the Grand Jury, the "indictment" signed by the foreman of the Grand Jury must be disclosed pursuant to §24-72-303 *et seq.* and *People v. Thompson*, 181 P.3d 1143 (Colo. 2008).

The request of Mr. Ramsey to release the entire record of the Grand Jury cannot be granted. Such an action would set a precedent that would impede other Grand Juries in performing their functions under statute and rule. Further, transcripts of proceedings as well as other evidence submitted to a Grand Jury do not constitute "official action" as defined by §24-72-302 and cannot be released pursuant to this statute.

The court has now reviewed the documents submitted under seal. The documents consist of 18 pages, 9 each relating to John and Patricia Ramsey. It appears that the District Attorney, presumably acting at the direction of the Grand Jury, prepared a series of possible charges regarding John Ramsey and Patricia Ramsey based on the fact that the child had died and that there was evidence that a sexual assault of the child had occurred. Although the documents contain more pages prepared by the District Attorney, the only pages that are "official actions of" the Grand Jury are those that are signed by the Foreman of the Grand Jury.

IT IS THEREFORE ORDERED that the portions of the documents filed under seal by the District Attorney that are signed by the Foreman of the Grand Jury shall be disclosed to the Plaintiffs and shall be open for inspection effective October 25, 2013.

Dated: October 23, 2013



J. Robert Lowenbach  
Senior District Court Judge

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: Boulder County Justice Center 1777 Sixth St Boulder, Colorado 80302 Court Phone: (303) 441-3750	COURT USE ONLY
<b>Plaintiffs:</b> <b>FLEET RUSSELL WHITE, JR.</b> , an individual; and <b>PRISCILLA BROWN WHITE</b> , an individual  v.  <b>Defendant:</b> <b>STANLEY L. GARNETT</b> , in his official capacity as the District Attorney for the Twentieth Judicial District	
Attorney Name: Sean P. Finn, Reg. #34455 Trial Chief Deputy Boulder County Justice Center 1777 Sixth St Boulder, CO 80302  Attorney Phone: (303) 441-3787 Attorney Fax: (303) 441-4703 Attorney E-mail: sefinn@bouldercounty.org	
<p style="text-align: center;"><b>ANSWER</b></p>	

Defendant, Stanley L. Garnett, in his official capacity as the District Attorney for the Twentieth Judicial District of the State of Colorado, answers the Plaintiffs' Complaint and Application for Order to Show Cause as follows:

1. The allegations contained in Paragraph 1 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
2. The allegations contained in the first sentence of Paragraph 2 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted, except that the People are not at liberty to admit or deny allegations as to what may have happened in a closed session of the Grand Jury, and those allegations are therefore neither admitted nor denied.
3. The allegations contained in Paragraph 3 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
4. The allegations contained in Paragraph 4 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.



5. The allegations contained in Paragraph 5 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
6. The allegations contained in Paragraph 6 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. The Provisions of the CCJRA speak for themselves.
7. The allegations contained in Paragraph 7 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
8. The allegations contained in Paragraph 8 of the Plaintiffs' Complaint and Application for Order to Show Cause are neither admitted nor denied. Defendant is unaware of any attempts to cast suspicion on Plaintiffs.
9. The allegations contained in Paragraph 9 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
10. The allegations contained in the first sentence of Paragraph 10 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. The allegations contained in the remainder of the paragraph are denied. Defendant cannot speak to the impressions of the public at large. Exhibit 1 speaks for itself.
11. The allegations contained in Paragraph 11 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted, except that, pursuant to Colorado Rule of Criminal Procedure 6.2, Defendant is not at liberty to disclose what documents created by a Grand Jury, but not constituting an official action by the Grand Jury, may be in his custody or control.
12. The allegations contained in Paragraph 12 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
13. The allegations contained in Paragraph 13 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
14. The allegations contained in Paragraph 14 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
15. The allegations contained in Paragraph 15 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
16. The allegations contained in Paragraph 16 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
17. The allegations contained in Paragraph 17 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.

18. The allegations contained in Paragraph 18 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 2 speaks for itself.
19. The allegations contained in Paragraph 19 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 3 speaks for itself.
20. The allegations contained in Paragraph 20 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 4 speaks for itself.
21. The allegations contained in Paragraph 21 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 5 speaks for itself.
22. Exhibit 5 speaks for itself. The allegation in paragraph 22, that the substance of the request was "inexplicably avoided," is denied.
23. The allegations contained in Paragraph 23 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 5 speaks for itself.
24. The allegations contained in Paragraph 24 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
25. The allegations contained in Paragraph 25 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 6 speaks for itself.
26. Exhibit 7 speaks for itself. The allegation contained in Paragraph 26 that Defendant "specifically avoided" confirming an assertion made on March 11, 2014 is denied.
27. The allegations contained in Paragraph 27 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.
28. The allegations contained in Paragraph 28 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 9 speaks for itself.
29. The allegations contained in Paragraph 29 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 10 speaks for itself.
30. The allegations contained in Paragraph 30 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted. Exhibit 11 speaks for itself.
31. The allegations contained in Paragraph 31 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted, except with regard to what Plaintiffs may or may not be able to specify, and neither admits nor denies those assertions. Exhibit 12 speaks for itself.
32. The allegations contained in Paragraph 32 of the Plaintiffs' Complaint and Application for Order to Show Cause are admitted.

33. Defendant neither admits nor denies the contents of Paragraph 33, as these are arguments or requests for relief.

Respectfully submitted,

By:

/s/ Sean P. Finn  
Sean P. Finn, Reg. #34455  
Chief Trial Deputy / Custodian of Records  
July 24, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this **ANSWER** was served via the ICCES electronic filing system to:

Fleet Russell White, Jr.  
Prescilla Brown white

/s/ Catherine Olguin Dated: July 21, 2014