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| DISTRICT COURT, COUNTY OF BOULDER, STATE OF COLORADO 1777 6 th 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. Defendants: CITY OF BOULDER , a Colorado home rule municipality and MARK R. BECKNER , in his official capacity as Chief of the Boulder Department of Police and Custodian of records for the Boulder Department of Police | |
| Plaintiffs pro se: Fleet Russell White, Jr. Priscilla Brown White | |
| <p style="text-align: center;">PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SUMMRY JUDGMENT IN FAVOR OF DEFENDANTS FOR FAILURE TO STATE A CLAIM BASED ON CLAIM PRECLUSION OR ISSUE PRECLUSION</p> | |

Plaintiffs, Fleet Russell White, Jr. and Priscilla Brown White, proceeding pro se, submit this response to review the facts and law establishing that an order granting dismissal or summary judgment for failure to state a claim based on claim preclusion or issue preclusion would be improper and that Defendants' Motion to Dismiss or in the Alternative for Summary Judgment should therefore be denied.

**STATEMENT OF FACTS KNOWN BY PLAINTIFFS *PRIOR TO* WHITE V. CITY OF
 BOULDER,**

1. John and Patsy Ramsey and their children were guests at Plaintiffs' home for Christmas dinner, December 25, 1996.

2. Plaintiffs were present at the home of John and Patsy Ramsey on December 26, 1996 when JonBenet Ramsey's body was found. Plaintiffs became key police and prosecution witnesses in the ensuing Boulder Police homicide investigation.

3. Shortly after the homicide, Plaintiffs became the subject of speculation circulating in the media regarding Plaintiffs' status with respect to the investigation and attempts by John and Patsy Ramsey, their lawyers and other persons appearing to speak on their behalf, to identify Plaintiffs as suspects in the investigation.

4. In response to such speculation, the City of Boulder issued a press release dated April 16, 1997, that 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 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."

A true and correct copy of the *City of Boulder News, Ramsey Update*, April 16, 1997, is attached as Exhibit 1.

5. In the months following the homicide, then-Boulder District Attorney Alex Hunter's official conduct with respect to the Ramsey homicide investigation became the subject of public criticism. In December 1997, Plaintiffs met with then-Colorado Governor Roy Romer to express our concern for Mr. Hunter's official conduct, especially in regard to the highly-publicized conflict between Mr. Hunter's office and the Boulder Police. At that meeting, Plaintiffs asked the governor to consider intervening by appointing a special prosecutor.

6. In January and again in August 1998, Plaintiffs made widely-publicized statements that were highly critical of Mr. Hunter's official conduct with respect to the Ramsey homicide investigation.

7. In November and December 1998 and January 1999, Plaintiffs cooperated with prosecutors and appeared without being subpoenaed to give sworn testimony to the 1998 and 1999 Boulder grand jury investigating the JonBenet Ramsey homicide.

8. On October 13, 1999, District Attorney Alex Hunter announced that "The Boulder grand jury has completed its work and will not return" and "I, and my prosecution task force, believe we do not have sufficient evidence to warrant the filing of charges against anyone who has been investigated at this time" thus leading the public to believe the grand jury had not returned indictments. A true and correct copy of *No Indictments Returned in Ramsey Case*, WASHINGTON POST, October 14, 1999 is attached as Exhibit 2 (<http://www.washingtonpost.com/wp-srv/national/daily/oct99/jonbenet14.htm>)

9. On February 25, 2000, just four months following the conclusion of the grand jury and Mr. Hunter's announcement that no "charges" would be filed against anyone for JonBenet's death, the Boulder Daily Camera newspaper ran a front-page, headline news article reporting the beliefs and claims of an unidentified woman from California. The article quotes Mr. Hunter:

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

The article, written by Daily Camera editor Barrie Hartman, speculates that the woman's information "could mean the Ramsey case is tangled in sexual abuse and involves more people than originally thought." The Daily Camera's publication of Ms. Krebs' story triggered widespread 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. The woman was later identified as Nancy Krebs, a person who was at that time unknown to Plaintiffs and who to this day Plaintiffs have never met. A true and correct copy of *DA pursues new Ramsey lead*, Barrie Hartman, DAILY CAMERA, February 25, 2000 is attached as Exhibit 3.

10. On May 7, 2000, the Daily Camera published a column by the newspaper's publisher, Colleen Conant, confirming that it had been Mr. Hunter's endorsement of Ms. Krebs' credibility that was the decisive factor for the newspaper to publish the Krebs article:

"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."

A true and correct copy of *Ramsey Case: hard choices, tough calls for editors*, Colleen Conant, DAILY CAMERA May 7, 2000 is attached as Exhibit 4.

11. The Boulder Police, in conjunction with other law enforcement agencies, investigated Ms. Krebs' claims and allegations, such investigations beginning no later than February 22, 2000. On May 15, 2000 the City of Boulder issued a News Release stating that:

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.

A true and correct copy of the May 15, 2000 *City of Boulder News Release* is attached as Exhibit 5.

12. On March 15, 2002, Plaintiffs requested criminal justice records from the Boulder Police regarding the Krebs investigation, relying on the facts given above. That request was denied thus prompting a show cause hearing in *White v. Boulder*, Case 2002CV1084 and Judge Montgomery's subsequent rulings and orders, all pursuant to the Colorado Criminal Justice Records Act ("CCJRA"), §24-72-301, *et seq.*, C.R.S .

STATEMENT OF FACTS KNOWN BY PLAINTIFFS AFTER WHITE V. CITY OF BOULDER,

13. 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."

A true and correct copy of *District Attorney Ramsey Press Release*, July 9, 2008 is attached as Exhibit 6.

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.”

A true and correct copy of *District Attorney Letter to John Ramsey*, July 9, 2008 is attached as Exhibit 7.

14. In an article published on October 13, 2008 following Mr. Ramsey’s “exoneration” by Boulder District Attorney 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.” Plaintiffs believe the “close friend” Mr. Ramsey is referring to is Plaintiff, Fleet Russell White, Jr. A true and correct copy of *John Ramsey’s Lingering Suspicions*, Lucinda Franks, THE DAILY BEAST, October 13, 2008 is attached as Exhibit 8. (<http://www.thedailybeast.com/articles/2008/10/13/finally-exonerated-in-the-murder-of-his-daughter.html>)

15. As the result of a criminal justice request pursuant to the CCJRA, §24-72-301, *et seq.*, C.R.S., on October 23, 2013 this Court ordered the release by the Boulder District Attorney of felony indictments of John and Patsy Ramsey that were returned by the 1998-1999 Boulder grand jury in relation to JonBenet’s death, specifically, Child Abuse resulting in Death and Accessory to Crime of Murder in the First Degree and Child Abuse Resulting in Death.

16. The unprosecuted JonBenet Ramsey homicide and the investigation thereof continue to be a matter of great public concern.

ARGUMENT

I. Claim and issue preclusion

17. For a claim in a second judicial proceeding to be precluded by a previous judgment, there must exist: (1) Finality of the first judgment; (2) Identity of subject matter; (3) Identity of claims for relief, and (4) Identity or privity between parties to the action, *Argus Real Estate Inc. v. E-470 Public Highway Authority*, 109 P.3d 605

18. Issue preclusion bars relitigation of an issue if: (1) The issue precluded is identical to an issue actually litigated and necessarily adjudicated in the prior proceeding; (2) The party against whom estoppel was sought was a party to or was in privity with a party to the prior proceeding (3) there was a final judgment on the merits in the prior proceeding; (4) The party against whom the doctrine is asserted had a full and fair opportunity to litigate the issues in the prior proceeding, *Bebo Constr. Co. v. Mattox & O’Brien, P.C.*, 990 P.2d 78, 84 (Colo. 1999)

II. The issues and claims of this litigation are not identical to the issues and claims of the 2002 litigation

19. Defendants ask that Plaintiffs’ claim be dismissed since “Plaintiffs do not, and cannot, allege there has been any material change in circumstances” since the 2002 litigation and

that Defendants “seek now to have this Court reconsider *the very same issues* decided by Judge Montgomery by reviewing the very same documents that were reviewed by Judge Montgomery.” (emphasis added.)

20. The Colorado Criminal Justice Record Act (CCJRA) is part of the Colorado Open Records Act. According to a Colorado Attorney General Opinion issued July 5, 2001:

“The Colorado Open Records Act gives people in Colorado a very important right. It allows them to learn—very quickly and completely—what their government is doing. It empowers everyone to understand how Colorado’s government affects their lives in matters big and small. The citizens of Colorado want an open government, and this statute is the most basic embodiment of that goal.”

(http://www.coloradoattorneygeneral.gov/sites/default/files/ag_opinions/2001/pdf_2)

Therefore, within the context of the CCJRA, it is an *action* of the government that becomes the “issue” or the “subject matter” of a request for records under the CCJRA.

21. As demonstrated above, the relevant facts concerning the actions of Boulder law enforcement that gave rise to Plaintiffs’ criminal justice records request in 2002 are not identical to the relevant actions of Boulder law enforcement that are now known by Plaintiffs. Specifically, in 2002, Plaintiffs were unaware of the fact that in October 1999, prosecutors, including Mr. Hunter, had acted to conceal grand jury indictments of John and Patsy Ramsey for crimes related to the death of JonBenet and that in doing so spared the Ramseys certain public condemnation. Yet, four months later, Mr. Hunter acted to destroy Plaintiffs’ reputations and credibility as police, prosecution and grand jury witnesses by giving a newspaper his endorsement of Ms. Krebs’ credibility as a witness. Furthermore, in 2002 Plaintiffs were unaware that Mr. Hunter’s actions in 1999 and 2000 would set the stage for Ms. Lacy’s actions in 2008. Thus, issues relevant to the emergence of Ms. Krebs and investigation of her claims were unknown to Plaintiffs in 2002.

22. Moreover, the “claim” or “relief” that was sought by Plaintiffs in 2002 was principally that of vindication from Ms. Krebs’ false claims and beliefs as they related to Plaintiffs. In this action, Plaintiffs seek the Krebs’ investigation records not only for vindication, but also for the purpose of gaining some measure of public transparency regarding the actions of Mr. Hunter in 1999 and 2000 relative to the grand jury and his role in the publication of Ms. Krebs story. Plaintiffs now also seek the Krebs investigative records to obtain public transparency regarding the actions of various government officials whose actions have, over the past 14 years, thwarted, frustrated and prevented Plaintiffs’ attempts to obtain relief from the defamation caused by the publication of Ms. Krebs’ false claims and allegations. Thus, Plaintiffs’ Complaint presents claims for relief that have not been, nor could have been, litigated in the prior case.

CONCLUSIONS OF LAW

23. Issue preclusion and claim preclusion require that an issue or claim to be barred from relitigation must be identical to the issue or claim that was decided in in a prior proceeding. *Argus Real Estate Inc. v. E-470 Public Highway Authority*, 109 P.3d 605 and *Bebo Constr. Co. v. Mattox & O'Brien, P.C.*, 990 P.2d 78, 84 (Colo. 1999)

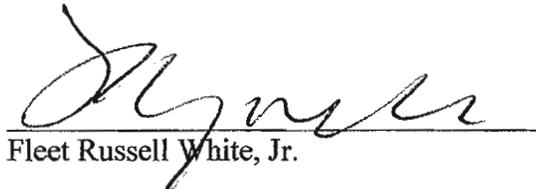
24. The issues and claims in this litigation are not identical to those in the prior litigation, *White v. City of Boulder*.

25. For these reasons, this Court should deny Defendants' motion to dismiss or in the alternative for summary judgment and also deny Defendants' request for expenses and attorney's fees.

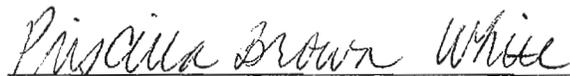
WHEREFORE, Plaintiffs, Fleet Russell White, Jr. and Priscilla Brown White, pursuant to §24-72-305 (7), C.R.S., respectfully request that:

- (a) The Court deny Defendant's Motion to dismiss and their request for expenses and attorney's fees.
- (b) The Court enter an order directing Defendants to show cause why Defendants should not permit the inspection and copying of all the requested criminal justice records.
- (c) The Court conduct a hearing pursuant to such order "at the earliest practical time" as required by §24-72-305 (7), C.R.S., and after such hearing to make the Show Cause Order absolute.

Dated: April 21, 2014.



Fleet Russell White, Jr.

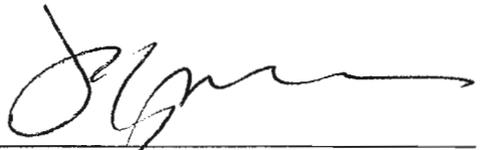


Priscilla Brown White

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2014, the above and foregoing was filed with the Boulder District Court and that a true and correct copy was served by placing said copy in the United States mail, postage prepaid, and addressed as follows:

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

A handwritten signature in black ink, appearing to read "Fleet Russell White, Jr.", written over a horizontal line.

Fleet Russell White, Jr., Plaintiff

EXHIBIT 1

Fleet Russell White, Jr. & Priscilla Brown White

v.

City of Boulder & Mark R. Beckner

PLAINTIFFS RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS FOR
FAILURE TO STATE A CLAIM BASED ON CLAIM PRECLUSION OR ISSUE
PRECLUSION

City of Boulder News, Ramsey Update, April 16, 1997



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-

EXHIBIT 2

Fleet Russell White, Jr. & Priscilla Brown White

v.

City of Boulder & Mark R. Beckner

PLAINTIFFS RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS FOR
FAILURE TO STATE A CLAIM BASED ON CLAIM PRECLUSION OR ISSUE
PRECLUSION

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



NEWS STYLE SPORTS CLASSIFIEDS MARKETPLACE
PRINT EDITION TOP NEWS WORLD NATION POLITICS METRO BUSINESS & TECH HEALTH OPINION WEATHER

No Indictments Returned in Ramsey Case

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff researcher Nathan Abse in Washington contributed to this report.

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EXHIBIT 3

Fleet Russell White, Jr. & Priscilla Brown White

v.

City of Boulder & Mark R. Beckner

PLAINTIFFS RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS FOR
FAILURE TO STATE A CLAIM BASED ON CLAIM PRECLUSION OR ISSUE
PRECLUSION

DA pursues new Ramsey lead, Barrie Hartman, DAILY CAMERA, February 25, 2000

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Boulder County's newspaper

www.thedailycamera.com

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PAGE 1C

DAILY CAMERA

Friday, February 25, 2000 • 25¢



DA pursues new Ramsey lead Hunter asks police to investigate woman's story of sex abuse

By **Berrie Hartman**

Camera Staff Writer
© 2000 Boulder Publishing Inc.

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

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 talking 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

States

TEXAS EXECUTION

Teen:

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 garroting that investigators found on the body of JonBenet Ramsey. The woman told detectives she believes JonBenet was killed accidentally when an asphyxiation 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 (chocking) 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 Blenkowski, 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 woman's efforts to reach Blenkowski 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, 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.

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."

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

Police Chief Beckner said he thought it was his department's responsibility to respond to the missing person's report. Hill says police should have asked the witness whether she wanted them to respond.

The Ramsey case has been quiet for the last several months, following a 13-month grand jury investigation that prosecutors said did not find enough evidence to bring an indictment in the case.

Contact Barrie Hartman at (303) 473-1390 or hartman@dailycamera.com.

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.

EXHIBIT 4

Fleet Russell White, Jr. & Priscilla Brown White

v.

City of Boulder & Mark R. Beckner

PLAINTIFFS RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS FOR
FAILURE TO STATE A CLAIM BASED ON CLAIM PRECLUSION OR ISSUE
PRECLUSION

Ramsey Case: hard choices, tough calls for editors, Colleen Conant, DAILY CAMERA May 7,
2000

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.

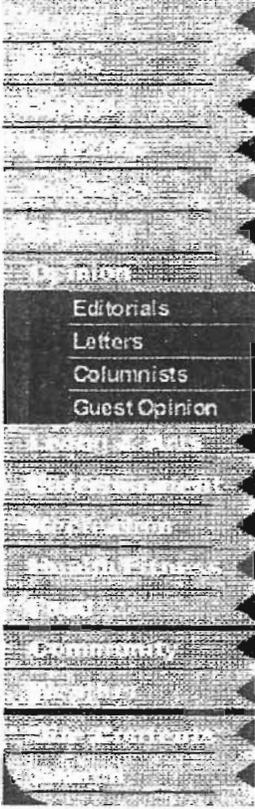
Newspapers are the target of intense criticism these days. We are seen as intrusive and insensitive. To many we are not merely the messenger, but a big part of the problem. That's regrettable, because a good newspaper, and we try to be one, performs a vital role in the community. We publish information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



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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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EXHIBIT 5

Fleet Russell White, Jr. & Priscilla Brown White

v.

City of Boulder & Mark R. Beckner

PLAINTIFFS RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS FOR
FAILURE TO STATE A CLAIM BASED ON CLAIM PRECLUSION OR ISSUE
PRECLUSION

May 15, 2000 *City of Boulder News Release*

News Release

May 15, 2000

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

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



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.

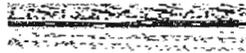


EXHIBIT 6

Fleet Russell White, Jr. & Priscilla Brown White

v.

City of Boulder & Mark R. Beckner

PLAINTIFFS RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS FOR
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District Attorney Ramsey Press Release, July 9, 2008



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Mary Lacy - Boulder District Attorney



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MARY T. LACY, DISTRICT ATTORNEY

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FOR IMMEDIATE RELEASE

Wednesday, July 09, 2008

Ramsey Press Release

CONTACT: CAROLYN FRENCH,

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](#).

###

EXHIBIT 7

Fleet Russell White, Jr. & Priscilla Brown White

v.

City of Boulder & Mark R. Beckner

PLAINTIFFS RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS FOR
FAILURE TO STATE A CLAIM BASED ON CLAIM PRECLUSION OR ISSUE
PRECLUSION

District Attorney Letter to John Ramsey, July 9, 2008



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, Patsy, 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.

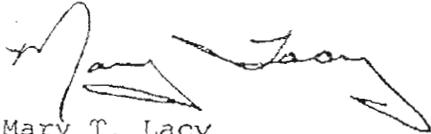
To the extent that we may have contributed in any way to the public perception that you might have been involved in this crime, I am deeply sorry. No innocent person should have to endure such an extensive trial in the court of public opinion, especially when public officials have not had sufficient 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 8

Fleet Russell White, Jr. & Priscilla Brown White

v.

City of Boulder & Mark R. Beckner

PLAINTIFFS RESPONSE TO DEFENDANTS' MOTION TO DISMISS OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS FOR
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John Ramsey's Lingering Suspicions, Lucinda Franks, THE DAILY BEAST, October 13, 2008

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JOHN RAMSEY'S LINGERING

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AUTHOR



Lucinda Franks

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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 comstalks 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 cancelled 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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