

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302 (303) 441-1866	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>CHARLIE BRENNAN, et. al., Plaintiff</p> <p>vs.</p> <p>STANLEY GARNETT, Defendant</p>	
<p><i>Attorney for Plaintiffs: Thomas Kelley, Marianne Wesson, Steven Zansberg</i></p> <p><i>Attorney for Defendant: Sean Finn, Nicole Moore</i></p>	<p>Case Number: 2013 CV 31393</p> <p>Courtroom: E</p>
ORDER DIRECTING RELEASE OF OFFICIAL ACTION OF GRAND JURY	

On October 17, 2013 this court entered an Order to Show Cause to the Defendant as to why the Plaintiffs' request for disclosure of official actions in the nature of indictments of the Grand Jury who investigated the death of JonBenét Ramsey should not be disclosed.

On October 18, 2013, the Defendant filed his Response to Order to Show Cause/Motion for Leave to File Under Seal, in which he stated that he had no additional evidence or argument to supplement that made at the hearing in this matter on October 11, 2013. Essentially, this document acknowledged the court's authority to issue the order and to decide what, if any, parts of the documents filed under seal should be disclosed. To be clear, the Defendant stated that his objective in taking the position he did was to assure that his actions in either releasing the documents or in keeping them secret is in compliance with the law. Having obtained a judicial determination that the records are of a type that requires inspection by the court and probable release as records of official action pursuant to §24-72-301 *et seq.*, the Defendant has filed the requested documents under seal for the court to disclose as it deems appropriate.

On October 21, 2013, the Defendant filed a letter directed to him from the attorneys who represent Mr. John Ramsey. In the letter Mr. Ramsey requests that "if the unprosecuted indictment is to be publicly released, the Court should also order release of the entire grand jury record . . ." Also within the letter, is reference to a letter dated July 9, 2008, from former District Attorney Mary Lacy in which she notes that new DNA technology that was used to analyze the clothes worn by JonBenét Ramsey. This evidence reveals the presence of DNA *of a person other than John or Patsy Ramsey or their son* such that "there is no innocent explanation for its [the DNA's] incriminating presence . . ." [Emphasis added].

District Attorney Lacy's letter goes on to state "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.” 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

A handwritten signature in black ink, appearing to read "J. Robert Lowenbach". The signature is written in a cursive, somewhat stylized font.

J. Robert Lowenbach
Senior District Court Judge