

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: Boulder County Justice Center 1777 Sixth Street Boulder, Colorado 80302 Court Phone: (303) 441-3750		COURT USE ONLY
PEOPLE OF THE STATE OF COLORADO vs. ALEXANDER JAY MIDYETTE, D.O.B. 6/13/79 Defendant(s)		
Attorney Name: Mary T. Lacy, #15091 District Attorney P.O. Box 471 Boulder, CO 80306 Attorney Phone: (303) 441-3700 Attorney Fax: (303) 441-4703 Attorney E-mail: mlacy@co.boulder.co.us		Case No: 07CR918 Division:
TWENTIETH JUDICIAL DISTRICT GRAND JURY INDICTMENT		

COUNT ONE: CHILD ABUSE RESULTING IN DEATH, C.R.S. 18-6-401(1)(a),
 (7)(a)(I) (CLASS 2 FELONY)
 (Alexander Midyette)

COUNT TWO: CHILD ABUSE RESULTING IN DEATH, C.R.S. 18-6-401(1)(a),
 (7)(a)(I) (CLASS 2 FELONY)
 (Alexander Midyette)

COUNT THREE: CHILD ABUSE RESULTING IN DEATH, C.R.S. 18-6-401(1)(a),
 (7)(a)(I) (CLASS 2 FELONY)
 (Alexander Midyette)

COUNT FOUR: CHILD ABUSE RESULTING IN DEATH, C.R.S. 18-6-401(1)(a),
 (7)(a)(I) (CLASS 2 FELONY)
 (Alexander Midyette)

COUNT FIVE: CHILD ABUSE RESULTING IN DEATH, C.R.S. 18-6-401(1)(a),
 (7)(a)(I) (CLASS 2 FELONY)
 (Molly Midyette)

COUNT SIX: CHILD ABUSE RESULTING IN DEATH, C.R.S. 18-6-401(1)(a),
 (7)(a)(I) (CLASS 2 FELONY)
 (Molly Midyette)

COUNT SEVEN:

CHILD ABUSE RESULTING IN DEATH, C.R.S. 18-6-401(1)(a),
(7)(a)(I) (CLASS 2 FELONY)
(Molly Midyette)

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PEOPLE OF THE STATE OF COLORADO vs. ALEXANDER JAY MIDYETTE, D.O.B. 6/13/79 MOLLY IRENE MIDYETTE, D.O.B 9/23/78 Defendant(s)		
Attorney Name: Mary T. Lacy, #15091 District Attorney P.O. Box 471 Boulder, CO 80306 Attorney Phone: (303) 441-3700 Attorney Fax: (303) 441-4703 Attorney E-mail: mlacy@co.boulder.co.us		Case No: 07CR918 Division:
TWENTIETH JUDICIAL DISTRICT GRAND JURY INDICTMENT		

Of the 2006-2007 term of the Boulder District Court, in the year 2007. The grand jurors chosen, selected, and sworn in and for the County of Boulder, in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following described acts, all done contrary to the form of statutes in such case made and provided, and against the peace and dignity of the People of the State of Colorado, as stated in the counts attached hereto:

COUNT ONE

That on or about December 24, 2005 to March 3, 2006 in, or triable in, the County of Boulder, State of Colorado ALEXANDER MIDYETTE unlawfully, feloniously, knowingly, or recklessly caused an injury to, the life or health of a child, namely: Jason Jay Midyette, that resulted in the death of the child; in violation of section 18-6-401(1)(a),(7)(a)(I), C.R.S. (Class Two Felony), and against the peace and dignity of the People of the State of Colorado.

COUNT TWO

That on or about December 24, 2005 to March 3, 2006 in, or triable in, the County of Boulder, State of Colorado ALEXANDER MIDYETTE unlawfully, feloniously, knowingly, or recklessly permitted a child namely: Jason Jay Midyette, to be unreasonably placed in a situation that posed a threat of injury to, the life or health of the child, that resulted in the death of the child; in violation of section 18-6-401(1)(a),(7)(a)(I), C.R.S. (Class Two Felony), and against the peace and dignity of the People of the State of Colorado.

COUNT THREE

That on or about December 24, 2005 to March 3, 2006 in, or triable in, the County of Boulder, State of Colorado ALEXANDER MIDYETTE unlawfully, feloniously, knowingly, or recklessly engaged in a continued pattern of conduct that resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries to a child, namely: Jason Jay Midyette that resulted in the death of the child; in violation of section 18-6-401(1)(a),(7)(a)(I), C.R.S. (Class Two Felony), and against the peace and dignity of the People of the State of Colorado.

COUNT FOUR

That on or about February 24, 2006 to March 3, 2006 in, or triable in, the County of Boulder, State of Colorado ALEXANDER MIDYETTE unlawfully, feloniously, knowingly, or recklessly permitted a child namely: Jason Jay Midyette, to be unreasonably placed in a situation that posed a threat of injury to, the life or health of the child, that resulted in the death of the child; in violation of section 18-6-401(1)(a),(7)(a)(I), C.R.S. (Class Two Felony), and against the peace and dignity of the People of the State of Colorado.

COUNT FIVE

That on or about December 24, 2005 to March 3, 2006 in, or triable in, the County of Boulder, State of Colorado MOLLY MIDYETTE unlawfully, feloniously, knowingly, or recklessly permitted a child namely: Jason Jay Midyette, to be unreasonably placed in a situation that posed a threat of injury to, the life or health of the child, that resulted in the death of the child; in violation of section 18-6-401(1)(a),(7)(a)(I), C.R.S. (Class Two Felony), and against the peace and dignity of the People of the State of Colorado.

COUNT SIX

That on or about December 24, 2005 to March 3, 2006 in, or triable in, the County of Boulder, State of Colorado MOLLY MIDYETTE unlawfully, feloniously, knowingly, or recklessly engaged in a continued pattern of conduct that resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries to a child, namely:

Jason Jay Midyette that resulted in the death of the child; in violation of section 18-6-401(1)(a),(7)(a)(I), C.R.S. (Class Two Felony), and against the peace and dignity of the People of the State of Colorado.

COUNT SEVEN

That on or about February 24, 2006 to March 3, 2006 in, or triable in, the County of Boulder, State of Colorado MOLLY MIDYETTE unlawfully, feloniously, knowingly, or recklessly permitted a child namely: Jason Jay Midyette, to be unreasonably placed in a situation that posed a threat of injury to, the life or health of the child, that resulted in the death of the child; in violation of section 18-6-401(1)(a),(7)(a)(I), C.R.S. (Class Two Felony), and against the peace and dignity of the People of the State of Colorado.

The offenses charged in counts one through seven of the indictment were committed in the following manner:

1. On December 17, 2005 Jason Jay Midyette was born at Boulder Community Hospital Foothills. Alexander Midyette was the father and Molly Midyette was the mother. Jason was delivered by cesarean section and at the time of delivery the gestational age was 36 weeks and one day. By the date of Jason's release on December 24, 2005 all health issues were successfully resolved. At the date of Jason's release, he was a healthy infant.
2. Upon Jason's release from Boulder Community Hospital Foothills, Alex, Molly, and Jason resided at 102 Barbara Street, in the city of Louisville, Boulder County, Colorado. The parents stayed home to care for Jason until early February 2006. When the parents returned to work, Molly worked three days a week and Alex would work two days a week. During his life, the parents exclusively cared for Jason, with the exception of one occasion when Jason was left in the care of his paternal grandparents for several hours on the evening of February 19, 2006.
3. The parents attended four well baby exams conducted by Dr. Jill Siegfried, Jason's general practitioner, throughout Jason's life. Both parents accompanied Jason to each doctor's visit. At the first exam, three days after Jason's discharge, he had gained nearly a pound. At his second well baby exam, three weeks later, the only concern noted by Dr. Siegfried, was a failure to gain weight. After Dr. Siegfried initiated a feeding program, Jason resumed his weight gain. Although the parents were asked if they had any concerns at every visit, they never expressed any concerns about Jason to Dr. Siegfried, with the exception of Jason being gassy. All of the appointments were routine well baby exams, and not the result of any medical concerns expressed by the parents.
4. On February 15, 2006, Dr. Siegfried examined Jason and noted that he was a normal, healthy two-month old infant. Because of this, Jason was given his two-month vaccinations. The parents again expressed no concerns about Jason at this visit.
5. On the night of February 23, 2006 the parents agreed that Alex would get up for Jason's

feedings because Molly had to work the following day. Jason woke up at 2:00 a.m. and 5:00 a.m. on February 24, 2006 and fed normally. After the 5:00 a.m. feeding, Alex and Jason fell asleep together on the couch. Alex and Jason next awoke at 7:00 a.m. and Alex changed Jason's diaper. During the diaper change, Jason had a crying spell, appeared to hold his breath, made "funny" noises, and stiffened up. Alex called Molly into the room to observe Jason. Molly left for work at Midyette Architecture/Pearl Street Mall Properties in Boulder Colorado. Alex put Jason down for a nap and Jason woke up around 11:00 a.m. Alex tried to feed Jason but he wouldn't eat. Alex gave Jason a bath. During the bath Jason tensed and released his body, both arms went up into the air and were straight and stiff, and his back was very arched. Alex described Jason as "almost standing up." After the bath, Alex laid Jason down and could hear him moaning on the baby monitor. Alex called Molly at work at approximately 11:37 a.m.

6. Molly arrived at work at approximately 9:00 to 9:30 a.m. In the morning while in a conversation with two co-workers, Molly expressed her concern that Jason was not doing well and described various symptoms. Molly described Jason clenching his fists when he awoke, tightening his body, shaking his fists, having breathing problems, and crunching up his face while his eyes were squeezed together. She also used the word "seizure" to describe Jason's behavior on February 24, 2006. Molly also said that as soon as she got off work she was planning to take Jason to the doctor. Molly stated that she was trying to get an appointment for Jason to go to the doctor that afternoon because of her concerns. Molly further stated that she could not figure out what was wrong with Jason and that she wished she could. The co-workers described Molly as being really upset, concerned and/or worried when she was describing Jason's condition to them. In an earlier conversation on February 13 or 14, 2006, Molly told one of these co-workers that she had concerns about seizure-like behavior by Jason.
7. The conversation on the morning of February 24, 2006, was between 9:00 and 9:30 a.m. according to one of the co-workers however the other co-worker believed the conversation occurred around lunchtime.
8. A co-worker also overheard Molly discussing her concerns about Jason with J. Nold Midyette, Alex's father, that morning. J. Nold advised Molly that perhaps they should change doctors.
9. After Molly returned home to the residence at 102 Barbara Street in Louisville, she called Dr. Siegfried's office at 12:30 p.m., leaving a message with the receptionist that Jason was, "out of it, lethargic, stiffening his arms and legs, moaning and just not feeling well." After checking with Dr. Siegfried, a member of the office staff called back at 12:52 p.m. and instructed Molly that if Molly thought Jason needed immediate medical attention she should consider taking Jason to Urgent Care or the emergency room. Molly seemed calm and stated that, "We really want to see Dr. Siegfried." A double-booked appointment was made for 3:30 pm. that afternoon, the earliest available time. Between the time Molly returned home and the 3:30 p.m. doctor's appointment, both Molly and Alex remained at home and could hear Jason continuing to moan.

10. Molly and Alex arrived at Dr. Siegfried's office at 3:30 p.m. An LPN described Jason as limp, with his eyes half-open, and not moving. The LPN said that when Jason was moved, it looked like he was going to cry, then he would moan and fall asleep. The LPN said she had never seen a baby like that before and immediately called Dr. Siegfried to the room.
11. Dr. Siegfried saw Jason, and indicated that Jason had a bulging fontanelle, was grey, limp, and lethargic. Jason's condition scared her and she immediately called another physician within the office to come and look at him. Dr. Siegfried's medical records state the "Chief Complaints and Concerns" on 2/24/06 at 3:32 p.m. included Jason "Not waking up or eating, baby being limp and lethargic, won't track movement." The records also state that, "This happened after he had a diaper change and he held his breath until he passed out. Fine yesterday. Not eating normally today only groaning."

Dr. Siegfried next advised the parents to take Jason to Boulder Community Hospital Foothills as he was much too ill to be treated in her office.

12. Alex and Molly drove Jason to Boulder Community Hospital Foothills, arriving just before 4:00 p.m. Dr. David Jones, the emergency room doctor, immediately contacted Dr. Stephen Fries, a pediatrician, to assist with Jason. The physicians noted that Jason was posturing and unresponsive, with his right pupil fixed and dilated, indicating brain injury. A CT scan was ordered and the results showed a skull fracture, mixed chronic and acute subdural hematomas, and a complete loss of gray-white interface involving the cerebrum. X-rays taken indicated a number of fractures in various stages of healing. These fractures included the left parietal skull fracture, a right clavicle fracture, a left forearm fracture, corner fractures of both femurs, and fractures on both ends of the left tibia.

Boulder Community Hospital Foothills nurse Susan Spielman asked the parents if Jason had been dropped, fallen, fallen off of a changing table, or if he had hit his head on something. The parents replied that nothing like that had happened, and "nobody had dropped it." They added, "The baby was fine twelve hours ago and got progressively worse." Nurse Spielman heard Molly make the comment, "I knew I shouldn't have gone to work today." Radiologist Technician Tina Gerhardt heard Molly say, "I knew I shouldn't have went back to work." Dr. Fries also overheard Molly muttering, "I should never have gone back to work". BCH Radiologist Technician Kristy Rouse heard one of the parents state that the, "Child had been vomiting for the past two nights," and that he was "not acting like himself that day."

13. Dr. Fries informed Molly and Alex of Jason's condition, including the fractures. Alex became angry and repeatedly stated that there were no bruises.
14. Jason was transported by Flight For Life Ground Ambulance to Children's Hospital. X-rays revealed additional fractures that were in various stages of healing. These additional

fractures included numerous rib fractures, fractures to the hands and feet and additional arm and leg corner fractures. CT scans performed at Children's showed that Jason's brain injuries were getting worse and portions of the brain were dead. Jason's brain injury progressively worsened over the next several days.

15. During the course of Jason's treatment, Molly and Alex made statements at Children's Hospital denying that Jason had been dropped or had fallen. The parents indicated that Jason had been fine the evening of February 23, 2006. At Children's Hospital on February 24, 2006 Molly told Dr. Antonia Chiesa that Jason's left arm did not move very well. The following day both parents told Stephanie Stronks, Children's Hospital social worker, that Jason always had a "limp" left arm, it just hung there. She remembered them saying that they affectionately called Jason something like, "limp arm" or "lefty."
16. Molly and Alex told Dr. Meghan Norton at Children's Hospital and DSS social worker Tami Bee, that Jason had vomited three times since Tuesday, February 21, 2006. Molly and Alex also told Bee that on February 21st, Jason had screamed so long he lost his breath, appeared to stiffen and had been doing some twitching, tensing and releasing of his body since that date. On February 21, 2006 Molly had a postpartum medical appointment with Dr. Siegfried that she attended alone while Alex took care of Jason. At that visit Molly told Dr. Siegfried that Jason was doing well.
17. On February 27, 2006 J.M. Stanlee West-Watt was appointed as Jason's Guardian Ad Litem (GAL). From February 27 through March 3, 2006, Ms. West-Watt received information from Jason's family that there were times that he cried a lot and that he had some breathing difficulties. Alex and/or Molly then told Ms. West-Watt that Jason was crying more than normal and he needed comforting. In fact Alex and/or Molly expressed concerns about Jason's rigidity and that his crying was becoming more difficult to soothe.
18. The withdrawal of life support began on March 1, 2006 and Jason died March 3, 2006. Dr. John Meyer, a forensic pathologist associated with the Boulder County Coroner's Office, performed an autopsy on Jason's body March 4, 2006.
19. The Boulder County Coroner's Office ruled Jason Midyette's death a homicide. Dr. Meyer determined that the cause of death of this 10-week old infant was blunt force craniocerebral injuries.

Dr. Meyer sent the brain for neuropathologic examination to Dr. Ross Reichard, Director of Neuropathology at the University of New Mexico Hospital and Assistant Professor of Pathology at the University of New Mexico School of Medicine. In his report Dr. Reichard notes that, "neuropathological examination revealed evidence of traumatic injuries of varying ages." Dr. Reichard determined that Jason had contusions on the right and left temporal lobes of his brain. These contusions were older than other hemorrhages found in Jason's brain.

Dr. Meyer was able to confirm a number of the fractures previously identified by both

Boulder Community Hospital Foothills and Children's Hospital. During the course of the autopsy Dr. Meyer identified three previously undetected fractures located in the right hand, foot and rib.

20. Dr. Thomas Hay, Pediatric Radiologist, The Children's Hospital and Associate Clinical Professor of Radiology at the University of Colorado Health Sciences Center reviewed CT scans and skeletal surveys from Boulder Community Hospital Foothills and Children's Hospital. Dr. Hay noted that Jason's fractures were in various stages of healing, with the oldest fractures being the right clavicle and the left forearm. Dr. Hay identified the skull fracture as acute, showing no signs of healing, and said that such fractures in infants are caused by an impact. He said rib fractures have to have a known mechanism of injury and are commonly caused by abusive squeezing. Dr. Hay said, corner or bucket handle fractures, which were observed on the long bones of the arms and legs, are caused by twisting or pulling forces applied near the end of a bone, or from violent shaking. Dr. Hay said hand and foot fractures are very uncommon, and are likely the result of a direct blow.
21. Sara Vernet is friends with Alex and Molly and has known them for about thirteen years. In early to mid-January 2006, Sara said she saw a dime-sized bruise in the area of Jason's forehead. Sara observed the bruise on Jason's head and asked Alex about the bruise. Alex responded that he felt bad because he had been walking, slipped, and bumped Jason's head into a wooden dining room chair. Alex said that the incident had occurred that day, a couple hours before Sara's arrival. Molly was not home on the day of this incident. Sara later told Molly about this bruise.
22. On February 24, 2006 at 12:57 p.m., Sara talked to Molly on the phone. During the conversation, Molly told Sara that Jason was really sick, and something was wrong with him. Molly described Jason as lethargic and making weird sounds. Molly explained, "something is wrong with him," "I've never seen him like this," and "something is different with him." Sara said that Molly sounded concerned and very scared in the conversation.
23. Dancer Vernet visited Molly and Alex at their home of 102 Barbara in Louisville during the first week of January 2006, on either a Tuesday or a Wednesday afternoon. This was the only time that she saw Jason. Dancer recounted a 5-second incident where Jason, while awake, turned red in color like he was going to the bathroom. He was also clenching his fists. Molly told Dancer that she did not know why Jason was doing this, but that "he did that sometimes." On Tuesday, January 3, 2006, Jason had a doctor's appointment at 4:30 p.m. for his circumcision. No concerns were voiced by Molly or Alex to Dr. Siegfried.
24. Josh Logan has been a friend of Alex's for three years, and they have been close friends for the last one and a half years. Josh believed that Alex and Molly returned to work after Jason's birth in the second week of February 2006. Alex worked Tuesday and Wednesday and Molly worked Monday, Thursday, and Friday. The non-working parent cared for

Jason. Josh was not aware of any other care provider.

25. In early to mid-January 2006, Josh observed a bruise in the area of Jason's temple. The bruise was between the eye and the ear. The bruise was "typical bruise color", possibly bluish black and the size of a nickel. Josh stated that right when he entered the home Alex told him about the bruise before Josh even saw Jason. Josh described Alex as very nervous when he told Josh that he had been carrying Jason into the kitchen when the phone rang. Alex indicated that when he turned around to get the phone he bumped Jason's head on a kitchen chair causing the bruise. Alex said the incident had taken place a couple days earlier. The bruise lasted about a week. Josh had the impression from Alex's description that Alex and Jason were alone at the time of the incident and that it was Molly who had called on the phone.
26. Josh remembered several conversations prior to February 24, 2006 in which Alex and Molly discussed Jason "flexing his muscles" and described his arms and legs being tense for a second.
27. Josh talked to Alex on the phone several times on February 24, 2006. Josh believed that in an initial call he could hear Jason crying in the background. Alex said that Jason was sick and didn't seem right, and they were taking him to the doctor. In an interview with Detective Steele July 27, 2006, Josh stated that Alex told him they were taking Jason to the doctor because he was a bit lethargic and wasn't eating.
28. In late January or early February 2006, Molly showed her mother, Jane Bowers, a very light colored bruise that was located on Jason's forehead by an eyebrow. Molly told Jane that the bruise occurred while Alex was holding Jason as he bent down to pick something up off the floor in the dining room, and bumped Jason's head on a chair when he stood up. Molly further told Jane that she was not home during this incident and that she learned that Jason did not cry, but his eyes just popped open. Additionally Molly told Jane there was something wrong with Jason's arm. Molly described Jason's arm as "it sort of floated." Further Molly told Jane that she and Alex talked to the doctor about it and showed her the arm. Molly said the doctor examined the arm and referred to it as his "gimpy" arm. Dr. Siegfried said that Molly or Alex never informed her about a problem with Jason's arm. Jason's medical records do not reflect any mention of this concern.
29. Kay Midyette is Alex's mother. Kay Midyette stated that on a morning between February 2-7, 2006, Alex called her and said while he was reaching for the cell phone, he bumped Jason's head on the edge of a table. Kay personally saw a bruise and described it as being located in the middle of Jason's forehead. It was the size of her little finger, smaller than a dime. The bruise was light yellowish in color and she thought that it lasted a couple of days.
30. Kay said she received a call from Alex sometime prior to February 2, 2006 where Alex expressed concern about bleeding from an injury to Jason's gum. Molly later expressed a concern to Kay about a second bleed from the gum when giving him a pacifier. The area

of the bleed was described as the front center area of the upper gum. Alex and Molly advised Kay they had talked to the doctor and the area of the gum had been examined by the doctor using a metal probe and the doctor indicated that it was not a problem as it did not go all the way through. Dr. Siegfried stated that at no point was the issue of a gum bleed raised by Molly or Alex, and she said she had never used a metal probe to examine any infants' gums.

31. At the time of autopsy Dr. Meyer noted that Jason's frenulum was rudimentary, explaining it was not present or merely a small stub. Dr. Meyer explained that the frenulum is a small fold of tissue centered inside the upper lip that connects the upper lip to the gum. Dr. Meyer said the frenulum is examined in infant deaths, because the frenulum is sometimes torn in child abuse cases. Dr. Fries said that an injury to a child's frenulum is usually caused by forcibly pushing a bottle or a pacifier into a baby's mouth. Dr. Chiesa indicated that injuries to the frenulum are common in child abuse cases.
32. As to the counts charged in the indictment, count one asserts that Alex Midyette during the time period charged, knowingly or recklessly caused the injuries that resulted in Jason Midyette's death.
33. Count two regarding Alex Midyette, and corresponding count five regarding Molly Midyette, asserts that the actions and inaction of the defendants during the time period charged, knowingly or recklessly permitted Jason Midyette to be unreasonably placed in a situation that posed a threat of injury to, the life or health of him, that resulted in the death of Jason Midyette.
34. Count three regarding Alex Midyette, and corresponding count six regarding Molly Midyette, asserts that during the time period charged, the defendants knowingly or recklessly engaged in a continued pattern of conduct that resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment (which includes inaction), or an accumulation of injuries to Jason Midyette that resulted in his death.
35. Count four regarding Alex Midyette and corresponding count seven regarding Molly Midyette involve the actions and inaction of the defendants on February 24, 2006 which culminated in the admission of Jason to Children's Hospital, his placement on life support, and his eventual death on March 3, 2006.

ALEXANDER MIDYETTE

AS TO COUNT ONE:

TRUE BILL

NO TRUE BILL

AS TO COUNT TWO:

TRUE BILL

NO TRUE BILL

AS TO COUNT THREE:

TRUE BILL

NO TRUE BILL

AS TO COUNT FOUR:

TRUE BILL

NO TRUE BILL

I, STEPHAN K ELLIOTT, the Foreperson of the 2006-2007 Boulder County Grand Jury, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2006-2007 Boulder County Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2006-2007 Boulder County Grand Jury.

Stephan K Elliott
FOREPERSON

Subscribed and sworn to before me in the County of Boulder, State of Colorado, this 8th day of May, 2007.

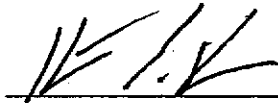
Krista K Ebel
NOTARY PUBLIC

My Commission Expires:

June 3, 2008

Respectfully submitted and approved for filing this ____ day of May, 2007.

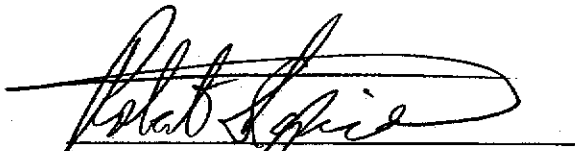
MARY T. LACY
DISTRICT ATTORNEY



Kenneth E. Kupfner #29924
Chief Deputy District Attorney



K. Colette Cribari #13524
Deputy District Attorney



Robert S. Shapiro #26869
Chief Deputy District Attorney
Boulder County District Attorney's Office
1777 6th Street
Boulder, CO 80303
(303)-441-3700

MOLLY MIDYETTE

AS TO COUNT FIVE:

TRUE BILL

NO TRUE BILL

AS TO COUNT SIX:

TRUE BILL

NO TRUE BILL

AS TO COUNT SEVEN:

TRUE BILL

NO TRUE BILL

I, STEPHAN K. ELLIOTT, the Foreperson of the 2006-2007 Boulder County Grand Jury, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2006-2007 Boulder County Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2006-2007 Boulder County Grand Jury.

Stephan K. Elliott
FOREPERSON

Subscribed and sworn to before me in the County of Boulder, State of Colorado, this 8th day of May, 2007.

Krista K. Elch
NOTARY PUBLIC

My Commission Expires:

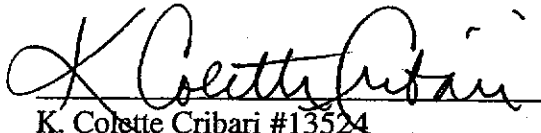
June 3, 2008

Respectfully submitted and approved for filing this ____ day of May, 2007.

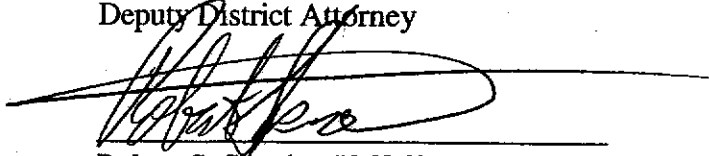
MARY T. LACY
DISTRICT ATTORNEY



Kenneth E. Kupfner #29924
Chief Deputy District Attorney



K. Colette Cribari #13524
Deputy District Attorney



Robert S. Shapiro #26869
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