

Mark Beckner's November 26, 2001 deposition

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1 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
2 ATLANTA DIVISION

3 Civil Action File No. 00-CIV-1187(JEC)

4

ROBERT CHRISTIAN WOLF,

5

Plaintiff,

6

vs.

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JOHN BENNETT RAMSEY and PATRICIA PAUGH RAMSEY,

8

Defendants.

9

10 VIDEOTAPED DEPOSITION OF MARK R. BECKNER

November 26, 2001

11

12 APPEARANCES

13 For the Plaintiff:

NO APPEARANCE

14

For the Defendants:

15 L. LIN WOOD, ESQ.

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18 and

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For the Deponent:

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## 1 CONTINUED APPEARANCES

2 For the Deponent:

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WALTER FRICKE, ESQ.

6 Assistant City Attorney

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Also present: MONIKA CARY, CLVS

9 O.M. "Ollie" Gray

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1 PURSUANT TO NOTICE and the Federal Rules

2 of Civil Procedure, the above-entitled deposition was  
3 taken by the Defendants at 1777 Broadway, Boulder,  
4 Colorado, on Monday, November 26, 2001, at 9:02 a.m.,  
5 before Kelly A. Mackereth, Certified Shorthand  
6 Reporter, Registered Professional Reporter, Certified  
7 Realtime Reporter, and Notary Public within Colorado,  
8 Court Reporting Office of Mackereth Lombritto &  
9 Associates, Inc., 2501 15th Street, Suite 1C, Denver,  
10 Colorado 80211-3986.

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12

I N D E X

13

EXAMINATION PAGE

14

By Mr. Wood: 8

15

INITIAL

16 DESCRIPTION REFERENCE

17 Exhibit 1 6

11/2/01 Notice of Deposition of

18 Mark R. Beckner

19 Exhibit 2 6

Stipulation and Protective Order

20

Exhibit 3 7

21 11/20/01 fax from Robert Miller  
to Lin Wood

22

Exhibit 4 88

23 12/27/96 City of Boulder Press

Release

24

Exhibit 5 94

25 12/28/96 City of Boulder Press

Release

4

1 INITIAL

DESCRIPTION REFERENCE

2

Exhibit 6 94

3 12/29/96 City of Boulder Press

Release

4

Exhibit 7 180

5 CONFIDENTIAL

2/24/99 letter from Daniel Glick

6 to Alex Hunter, R 0122-0168,

0171, 0170

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1 P R O C E E D I N G S

2 (Exhibit 1 was marked.)

3 VIDEO TECHNICIAN: The time is 9:02 a.m.

4 We are on the record. This is the deposition of Mark

5 Beckner for the case of Robert Christian Wolf versus

6 JonBent (sic) Ramsey, et al., Case Number

7 00-CIV-1187 (JEC).

8 Today is November 26th, 2001. We are

9 located at 1777 Broadway, Boulder, Colorado. The

10 court reporter is Kelly Mackereth from Mackereth

11 Lombritto & Associates. I'm the videographer. My

12 name is Monika Cary, of Wren Video Services.

13 The attorneys will identify themselves,

14 beginning with the attorney on my left.

15 MR. WOOD: Here let's do it this way. My

16 name is Lin Wood and I represent the defendants. And  
17 you might want to note that the defendants are John  
18 Bennett Ramsey and Patsy Ramsey.  
19 Derek, do you want to introduce yourself?  
20 MR. BAUER: Why don't you do it.  
21 MR. WOOD: Derek Bauer of Powell Goldstein  
22 and Frazer, co-counsel for the defendants, and to his  
23 right is Ollie Gray, an investigator who works for  
24 the defendants' counsel.  
25 MR. MILLER: I'm Robert N. Miller from

6

1 LeBoeuf, Lamb, Greene & MacRae representing the  
2 deponents.  
3 MR. FRICKE: I'm Walter Fricke. I'm an  
4 Assistant City Attorney for the City of Boulder.  
5 MR. KEATLEY: I'm Robert Keatley. I'm the  
6 legal advisor for the Boulder Police Department.  
7 VIDEO TECHNICIAN: Will the court reporter  
8 please swear in the witness.  
9 MARK R. BECKNER,  
10 having been first duly sworn, was examined and  
11 testified as follows:  
12 MR. WOOD: Before we begin, let me attach  
13 as Exhibit 1 to the deposition the notice of the  
14 deposition that was filed with the federal --  
15 MR. MILLER: I've seen it.  
16 MR. WOOD: -- court clerk's office in  
17 Atlanta and was served on counsel for plaintiff  
18 Robert Christian Wolf. I'll state that I have been  
19 authorized by Darnay Hoffman, counsel for Mr. Wolf,  
20 to state that he has waived his appearance. He is  
21 aware of the deposition. He has elected for his own  
22 reasons not to appear and has indicated that he does  
23 waive his appearance.  
24 I'll also attach as Exhibit 2 the  
25 protective order, this will be Exhibit 2, Stipulation

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1 and Protective Order, which I think you're going to  
2 indicate Chief Beckner will sign on to that will  
3 therefore be applicable to this deposition.  
4 MR. MILLER: Right. Lin, could I suggest

5 that we have as Exhibit 3 a copy of our letter with  
6 the ground rules for this deposition.  
7 (Exhibit 2 was marked.)  
8 MR. WOOD: Exhibit 3 is the letter from  
9 Bob Miller to me dated November 20, 2001, which sets  
10 forth certain agreements between counsel with respect  
11 to the subject matter of the deposition and how it  
12 will be adjourned for completion if necessary at a  
13 later date.  
14 (Exhibit 3 was marked.)  
15 MR. WOOD: As stated by the court reporter  
16 this is the deposition of Mark Beckner. The  
17 deposition is taken pursuant to subpoena and  
18 agreement of counsel as to date and place and time,  
19 along with the other agreements that have been  
20 earlier indicated in the record as Exhibits 2 and 3.  
21 The deposition is taken pursuant to the  
22 Federal Rules of Civil Procedure. Anything you want  
23 to add, Bob, to the stipulations or are we good to  
24 go?  
25 MR. MILLER: No. We're good to go.

8

1 EXAMINATION  
2 BY MR. WOOD:  
3 Q Great. You have been sworn in so let me  
4 ask you for the record if you would state your full  
5 name, please.  
6 A Mark Ranson Beckner.  
7 Q What is your present residence?  
8 A 1512 Judson Drive, Longmont, Colorado.  
9 Q And you are presently the chief of the  
10 Boulder Police Department?  
11 A Yes.  
12 Q Go back if you would for me, Chief  
13 Beckner, and take me through, let's say, high school  
14 forward and give me to the best of your recollection  
15 kind of a summary of your education and then your  
16 training and experience that led up to you finally  
17 becoming a chief of police here in Boulder.  
18 A Graduated from Swartz Creek High School in  
19 Swartz Creek, Michigan in 1974. From there I went to  
20 what was then Mott Community College in Flint,  
21 Michigan, received an Associate's degree. From there  
22 I went to Ferris State, it's now Ferris State

23 University in Big Rapids, Michigan. Received a  
24 Bachelor's degree, Bachelor's of Science in criminal  
25 justice.

9

1 In 1982, I received a Master's degree in  
2 criminal justice administration from the University  
3 of Colorado at Denver. And what else -- what was the  
4 other piece?

5 Q Well, we will stop there for a minute.

6 We've got you up to 1982 and you've graduated with a  
7 Master's degree in criminal justice administration  
8 from the University of Colorado at Denver, right?

9 A Correct.

10 Q Now, take -- that completes your education

11 I guess up at least through that degree?

12 A Correct.

13 Q I don't know if you've had any subsequent  
14 training or education but we'll go into that. Did  
15 you then take your first job in law enforcement after  
16 you graduated and received the Master's degree?

17 A No, my first job in law enforcement was in  
18 1978 after my -- graduating from University -- Ferris  
19 State University.

20 Q Okay. Tell me about that and then we'll  
21 go forward from there with respect to your job  
22 experience in law enforcement?

23 A I was hired in June of '78 as a patrol  
24 officer for the City of Boulder. I was a patrol  
25 officer for three years until 1981, at which time I

10

1 was selected as a detective. Was in the detective  
2 and in investigations until 1983, at which time I was  
3 promoted to sergeant. I went back to patrol. I was  
4 a patrol sergeant for a number of years, including  
5 field training sergeant, crime scene investigation  
6 coordinator, liquor code enforcement supervisor.

7 And then I was -- in about I believe it  
8 was '86 or '87 I was supervisor of a new tactical  
9 unit that we developed in the police department that  
10 was called the Tactical Patrol Team. And we did a  
11 combination of undercover investigations and

12 sometimes worked uniform depending on what the  
13 assignment called for.

14 We basically were a team that could  
15 respond to various crime problems in the city and  
16 used different tactics for dealing with those.

17 From there I went back to patrol for a  
18 year.

19 Q When did you go back to patrol in the  
20 special tactical unit?

21 A '88 or '89, somewhere in there.

22 Q Okay.

23 A Then I spent about, I believe it was '90,  
24 I spent nine months as traffic supervisor in a  
25 traffic unit. From there I was selected in 1991 to

11

1 go to our professional standards unit as the  
2 department internal affairs investigator. I was in  
3 that role for three years as that investigator for  
4 the department.

5 From there I was promoted to commander in  
6 1994. I then went -- was assigned back to patrol  
7 specifically to the second watch of patrol. And I  
8 was commander for about three years, three years.  
9 And then in October of '97, I was pulled off of  
10 patrol and put in charge of the Ramsey investigation  
11 as a sole assignment and then in March of '98, I was  
12 given command of the entire investigations unit.

13 And in June of '98, I was promoted to  
14 chief of police.

15 Q Thanks. Let me go back if I could and  
16 just touch on a couple of issues with respect to  
17 those different positions. When you were a patrol  
18 officer from 1978 to 1981, did you have any  
19 involvement in homicide investigations?

20 A As a responding officer, certainly.

21 Q And tell me what you mean when you say as  
22 a responding officer. What would your  
23 responsibilities have been with respect to a  
24 homicide?

25 A Well, if you get there, you've got to

12

1 coordinate the crime scene and secure it and that

2 sort of thing.

3 Q Anything else, in terms of the actual

4 investigation --

5 A No.

6 Q -- of the homicide?

7 A No.

8 Q Your responsibility would be to respond?

9 A Correct.

10 Q To coordinate the efforts at the crime

11 scene?

12 A Correct.

13 Q To secure the crime scene?

14 A (Deponent nods head.)

15 Q And then I take it basically that's turned

16 over to someone in homicide that works the case?

17 A Well, just a clarification. In our

18 department we don't have a specific homicide unit.

19 Our detectives handle a variety of cases. They

20 aren't specialists in homicide, per se.

21 Q Has that been true the entire time that

22 you've been involved with the Boulder Police

23 Department from 1978 up until the present time?

24 A Yes.

25 Q So it would have been simply after you

13

1 secured the crime scene, coordinated as the

2 responding officer, then it would be turned over to

3 someone in the detective portion of the department?

4 A Correct.

5 Q Okay. In 1981 to '83 when you were a

6 detective doing investigations, did you have occasion

7 to investigate homicides?

8 A There was occasion where I assisted in a

9 couple homicide investigations.

10 Q Do you remember just the general

11 circumstances of those homicides?

12 A One of them was the Gary Stoner case,

13 which was actually just recently solved, but that

14 involved a drug dealer who had been stabbed numerous

15 times in his apartment. And that's the one I can

16 specifically remember because it was -- we did a lot

17 of interviewing in that case.

18 Q Do you recall that being your primary role

19 to conduct interviews?

20 A Yes.

21 Q Anything else that you remember about your

22 role in the Stoner case?

23 A No, that was my role to conduct

24 interviews.

25 Q The second homicide that you believe you

14

1 assisted in, you don't recall the nature of the crime

2 there, do you?

3 A No, I don't.

4 Q How about your role in it? Would it have

5 also been similar to the Stoner where you would have

6 been conducting interviews?

7 A Well, and I get confused here because when

8 you limit it to homicides, its very specific. I've

9 been involved in death investigations that didn't

10 necessarily result in them being homicides. So they

11 all meld together. And I have been involved in death

12 investigations. In one particular drowning at the

13 Boulder Reservoir, I was the primary detective on

14 that investigation and that's what it turned out to

15 be was an accidental drowning, not a homicide.

16 Q We have one of two, you have an accidental

17 death, suicide, I guess it could be three, you have a

18 natural death --

19 A Well, you could have suicide, natural

20 death, accidental death, homicide.

21 Q What else?

22 A Homicide, accidental, natural, suicide. I

23 think that probably covers it.

24 Q So you're not sure if the other case was a

25 homicide case or not? You said you assisted in a

15

1 couple of homicides, you may have been referring to a

2 couple of death investigations, one being the Stoner

3 homicide, the other you don't recall?

4 A It seems like there was another homicide

5 during that two-year period but I can't recall now.

6 Q Then when we moved into the frame of 1983

7 to 1986 when you were a patrol sergeant and I think

8 you indicated you did some crime -- served as a crime  
9 scene investigator?

10 A Um-hum.

11 Q Did you have any experience at that time  
12 in homicide investigations?

13 A No.

14 Q And then with respect to the tactical  
15 patrol unit --

16 A And again, specifically homicides versus  
17 death investigations?

18 Q Right. Yeah, I'm asking you about  
19 homicide investigations.

20 A Okay.

21 Q Then you started '86, '87 for a year or  
22 two with the tactical unit. Any occasion there to be  
23 involved in homicide investigations?

24 A No.

25 Q No. '88, '89, back to patrol followed by

16

1 nine months as traffic supervisor. During that time  
2 period, any homicide investigations?

3 A No.

4 Q Three years starting in '91 as the  
5 professional internal affairs investigator?

6 A (Deponent nods head.)

7 Q Any homicide investigations during that  
8 time period that you were involved in?

9 A No.

10 Q 1994, commander to patrol for I believe  
11 you said the second watch?

12 A Yeah.

13 Q What is a second watch, is that a time?

14 A Swing shift, it would be 3 in the  
15 afternoon until 1 in the morning primarily.

16 Q During that time period which looks like  
17 about three years up until October of '97, did you  
18 have any involvement in any homicide investigations?

19 A Some peripheral involvement in one.

20 Q And what do you mean by some peripheral  
21 involvement?

22 A As the commander, I was actually acting  
23 chief at one time when we had a homicide and I  
24 responded to that and kind of generally oversaw the  
25 investigation for a couple of days until the chief

17

1 got back in town.

2 Q What type of case was that, do you recall?

3 A That was a person who opened his door,

4 there was a knock at the door, opened his door and he

5 was shot in the chest and killed.

6 Q Was that case ultimately solved?

7 A Not yet.

8 Q And then in 1997 specifically in October

9 of 1997, you were placed in charge of the Ramsey,

10 JonBent Ramsey, murder investigation?

11 A October of '97, yes.

12 Q Correct. And that was your, at the time,

13 sole assignment?

14 A Yes.

15 Q Let me go back and make sure I've got -- I

16 believe I have this correctly. Prior to October of

17 1997 when you were placed in charge of the JonBen t

18 Ramsey investigation, your experience in homicide

19 investigations would have consisted of assisting in a

20 couple of homicide investigations back in 1981 to

21 1983 where you did in one some interviews, the other

22 you're not really familiar with in terms of

23 recollection and then in one case sometime in the

24 1994 to '97 time frame where you were the acting

25 chief and therefore oversaw for a two-day time period

18

1 the investigation into the homicide where the

2 individual was shot in the chest when he opened the

3 door?

4 A Correct.

5 Q Have I now covered all of your homicide

6 experience as a police officer prior to October of

7 1997?

8 A To the best of my recollection.

9 Q Thank you. Do you know why you came to be

10 the individual selected to be in charge of the Ramsey

11 investigation in October of '97?

12 A I mean, I have a pretty good idea why.

13 Q Tell me what that pretty good idea is.

14 A I don't want to answer for Chief Koby

15 obviously.

16 Q What is your understanding and belief is

17 what I'm asking, I'm not asking for Chief Koby?

18 A Some of what I am good at is coordinating

19 and organizing, I mean managing large-scale events

20 and I think that was part of the reason that Chief

21 Koby tabbed me at that time. There was some concerns

22 about the coordination and organization of the

23 investigation. And I think he saw those abilities in

24 me and thought that I could bring some better

25 organization to the investigation itself.

19

1 There was also some conflict between the

2 DA's office and the police department at that time

3 and he felt like I could ease some of those

4 relationships and improve those relationships.

5 Q And I don't mean this disrespectfully but

6 I guess you would agree with me that you weren't

7 brought in to be in charge of the Ramsey

8 investigation in October of '97 because of your

9 experience in dealing with homicides?

10 A No.

11 Q You would agree with me, wouldn't you?

12 A I would agree with you.

13 Q When you were commander during this time

14 period of the second watch, give me some idea of what

15 your job responsibilities were.

16 A Responsible for everything that happened

17 in patrol on watch two. I was the commander. Above

18 me was the chief. So everything that happened in

19 patrol on watch two I was responsible for and managed

20 basically.

21 Q Give me some feel for what could happen in

22 terms of the patrol on the second watch that you

23 would be in charge of. I guess we're talking about

24 anything that happens with your patrol officers --

25 A Sure, sure.

20

1 Q -- that work under you?

2 A Anything that happened with patrol

3 officers, any major crimes that occurred. And what I

4 didn't mention, I left out, is I was -- during that  
5 time I was also the SWAT commander for the  
6 department. And we had some major events that  
7 occurred during those years that I was responsible  
8 for as far as the department response in managing  
9 those events. And so those were things that were  
10 part of my duties as well.

11 Q That might have been part of your  
12 background in coordinating and managing large events,  
13 some of the work with the SWAT?

14 A I'm sure that was part of my role.

15 Q The SWAT commander didn't get you involved  
16 in any homicide investigations, did it?

17 A I'm trying to think if we had any deaths  
18 during that time. I don't believe we did.

19 Q Am I correct that you replaced John Eller?

20 A Yes.

21 Q John Eller was in charge of the Ramsey  
22 investigation prior to October of 1997?

23 A Yes.

24 Q Now, you said that in March of 1998, your  
25 job responsibilities changed and you were placed in

21

1 charge of the entire investigative unit?

2 A Correct.

3 Q Tell me -- I think I understand, but tell  
4 me what that meant to you in terms of your job  
5 responsibilities. And obviously you went beyond the  
6 Ramsey case, but how much further?

7 A Yes, I became -- managing all the  
8 detectives that we had in the bureau at that time as  
9 their commander, again then ultimately responsible  
10 for anything that happened in investigations.

11 Q Is the investigative unit, in effect, the  
12 detective unit?

13 A Yes.

14 Q Okay.

15 A Interchangeable.

16 Q How many detectives worked under you when  
17 you took that job on in March of 1998? And again I  
18 know this -- give me your best estimate?

19 A I believe we had 16 or 17.

20 Q And how many were working under you when  
21 you took charge of the Ramsey case in October of '97?

22 A We had eight.

23 Q Did anyone take on any sole responsibility  
24 for the Ramsey case under your supervision when you  
25 took on in March of '98 the responsibility for the

22

1 entire detective unit?

2 A Yes, Sergeant Tom Wickman was actually in  
3 charge of the investigation. Detective Tom Trujillo  
4 was the lead investigator assigned to that case. So  
5 when we say that I was in charge of the  
6 investigation, what really that means is that I  
7 managed the personnel that were investigating that  
8 case.

9 Q Would that be true in October of '97?

10 A Yes.

11 Q In October of '97, you took on  
12 responsibility for managing the personnel who were  
13 handling the case, Tom Wickman being in charge of the  
14 detectives handling the Ramsey case and Tom Trujillo  
15 being the lead detective?

16 A And coordinating the investigation.

17 Q And your job to coordinate the  
18 investigation?

19 A Yes.

20 Q Right. And so when you took on the more  
21 expanded role in March of 1998, that hierarchy as  
22 such did not change, Wickman still was in charge  
23 responding to you?

24 A (Deponent nods head.)

25 Q You were managing the detectives?

23

1 A Correct.

2 Q And coordinating the investigation?

3 A Correct.

4 Q Trujillo remained the lead detective?

5 A Correct.

6 Q Did Steve Thomas ever have the role of  
7 lead detective in the Ramsey investigation?

8 A Not under my command, no.

9 Q Do you know whether prior to your taking  
10 on the case in October of '97 Mr. Thomas ever had

11 been given the role of lead detective?

12 A I have been told no.

13 Q You understand that the primary reason for  
14 your deposition today, at least this portion of it,  
15 is to talk about Chris Wolf?

16 A That's my understanding.

17 Q And you understand that Chris Wolf has  
18 filed a lawsuit against John and Patsy Ramsey in  
19 Atlanta, Georgia, making allegations of libel in  
20 connection with the publication of their book "The  
21 Death of Innocence" and also allegations about an  
22 intentional infliction of emotional distress. You  
23 may not know the details of the case but I take it  
24 you're aware of the fact that he's filed a lawsuit  
25 and that's why we're here, in part, today?

24

1 A Correct.

2 Q Have you ever met Chris Wolf?

3 A No, I haven't.

4 Q Have you ever had any conversations or  
5 communications with Darnay Hoffman?

6 A I seem to recall that I have, but it's  
7 been several years.

8 Q Do you have any recollection of the  
9 subject matter of those -- that communication or  
10 those communications, if there were more than one?

11 A To the best of my recollection, it was  
12 around the issue of that we should file charges  
13 against Patsy Ramsey because he believed she was the  
14 author of the ransom note.

15 Q Did he submit handwriting experts or  
16 people he represented as experts to you or to the  
17 Boulder Police Department?

18 A Before we go on, is this beyond Chris Wolf  
19 questions?

20 MR. MILLER: No, I think it's a Chris Wolf  
21 question.

22 THE DEPONENT: Okay.

23 MR. MILLER: As I understood, you asked he  
24 being, who, Darnay?

25 MR. WOOD: Darnay Hoffman.

25

1 A In relation to Chris Wolf?

2 Q (BY MR. WOOD) Well, the reason I'm asking  
3 you is that he has presented experts in the Chris  
4 Wolf case and I'm trying to find out whether he had  
5 earlier presented those experts in terms of it may or  
6 may not have related to Chris Wolf at the time. I  
7 don't know that until I go into that area with you.  
8 But obviously he may be using the same people now in  
9 part that he was using back then. So I'm curious as  
10 to whether that's true. Whether he gave -- I know he  
11 contacted Alex Hunter and sent him information.

12 A Right.

13 Q Do you think that the contact that Hoffman  
14 had with you was in that same time frame or do you  
15 know?

16 A I believe it was, yes.

17 Q Do you believe it would have been sometime  
18 in 1997 or 1998?

19 A I don't think it was '97, probably '98.

20 Q Back to what I was trying to get to. Do  
21 you know whether he sent to you one or more reports  
22 from individuals that he alleged to be handwriting  
23 experts?

24 A Yes, I do recall that. Now, I don't know  
25 whether that came directly from him or through the

26

1 DA's office.

2 Q Do you recall the names of any of those  
3 individuals?

4 A No, I don't.

5 Q Tom Miller ring a bell?

6 A Yes, but I don't know if that's one that  
7 he submitted or not.

8 Q David Liedman?

9 A Rings a bell.

10 Q Cina Wong?

11 A Rings a bell.

12 Q Regardless of who they may have been, were  
13 those individuals in terms of what the department did  
14 with that information, were they accepted as experts,  
15 do you know, or was it basically a situation where  
16 the department did not feel that they were qualified  
17 or competent in their opinions?

18 A Neither. It's something that we really  
19 didn't put a whole lot of consideration into because  
20 they were not people that as far as we were aware of  
21 had access. We knew they didn't have access to the  
22 originals, to all the material that we had. We  
23 didn't know who these people were. We didn't know  
24 who Darnay Hoffman was. Much like anybody sending us  
25 material of what I call, you know, their

27

1 self-appointed investigators, we didn't put much  
2 stock into.  
3 Q One of the problems and if I hear you, is  
4 that I take it from whatever source your  
5 understanding of handwriting analysis would have  
6 required that there be an analysis of the firsthand  
7 documents as opposed to second or third generations?  
8 MR. MILLER: I think I will object at this  
9 point. I don't know that that has got anything to do  
10 with Chris Wolf.  
11 MR. WOOD: I'm trying to find out about  
12 these particular experts. He indicated one of the  
13 reasons that he -- they didn't really consider them  
14 was because I thought that they did not have access  
15 to the originals. And I just wondered if that was  
16 based on his understanding that you needed access to  
17 the originals to be able to do an analysis. He may  
18 or may not know. If you don't want him to answer,  
19 I'll --  
20 MR. MILLER: I don't think this has got  
21 anything to do with Chris Wolf.  
22 THE DEPONENT: Okay.  
23 Q (BY MR. WOOD) Did you -- did the Boulder  
24 Police Department ever have Chris Wolf's handwriting  
25 analyzed?

28

1 A Yes.  
2 Q Okay. How many different handwriting  
3 analysts looked at Chris Wolf's handwriting?  
4 A As far as I'm aware of, one.  
5 Q Did Leonard Speckin look at Chris Wolf's  
6 handwriting?

7 A I'm not sure.

8 Q Did Edwin Alford look at Chris Wolf's  
9 handwriting?

10 A I'm not sure.

11 Q Did Richard Dusak analyze Chris Wolf's  
12 handwriting?

13 A I'm not sure.

14 Q Did Chet Ubowski analyze Chris Wolf's  
15 handwriting?

16 A Yes.

17 Q The other individuals Speckin, Alford and  
18 Dusak, were employed by the Boulder Police  
19 Department --

20 A Yes.

21 Q -- to analyze handwriting?

22 A Yes.

23 Q Is there any reason why you don't know  
24 whether they actually analyzed Chris Wolf's?

25 A I just can't recall what was submitted to

29

1 them at this time.

2 Q Was the normal practice to have an  
3 individual who you made a decision you wanted a  
4 handwriting analysis performed on, was it the  
5 practice to have that individual, his handwriting or  
6 her handwriting analyzed by four different examiners?

7 A Was that the practice?

8 Q Yeah, was that the way you all did it?

9 A No.

10 Q How did you make the distinction between  
11 the numbers of analysis that you would have done on a  
12 given handwriting?

13 A I'm not sure this is --

14 MR. MILLER: I don't know. He has  
15 answered the question about Chris Wolf.

16 MR. WOOD: He's telling me he knows  
17 Ubowski did it and he's not sure whether the others  
18 did. He said there were four that were hired that  
19 apparently I would like to find out what would put  
20 one in the category of having one or two versus three  
21 or four if that's the case and that would help answer  
22 perhaps Chris Wolf's standing or status and I won't  
23 know until I get an answer.

24 MR. MILLER: Let me just suggest that the

25 question you asked almost sounds like a policy

30

1 question or an investigative technique question as  
2 opposed to specifically why they did what they did on  
3 Chris Wolf. I think if you ask that question it's  
4 probably acceptable.

5 MR. WOOD: I'm trying to find out why and  
6 I don't think I can really get to Wolf unless I  
7 understand the process.

8 Q (BY MR. WOOD) I mean you had four  
9 examiners and my question tries to find out the  
10 answer to why Wolf would have been only analyzed by  
11 one versus more than one. Was it the results of the  
12 first? I mean, I don't know.

13 MR. MILLER: I think he can answer that  
14 question why he was analyzed by one, if you know.

15 A Yeah, see at this point I don't know  
16 whether we submitted his to anybody else or not. I'm  
17 not sure on that so I can't answer that.

18 Q (BY MR. WOOD) That's what I'm trying to  
19 find out, if you knew, if you know what generally  
20 would cause the department to submit the handwriting  
21 exemplar or exemplars to more than one?

22 A Well, one of the fact -- there were  
23 numerous factors. I think one of the critical  
24 factors was to the degree that CBI could eliminate  
25 somebody from being the writer of the note.

31

1 Q And I don't want to get deep into the  
2 question of handwriting issues, but when you say  
3 could eliminate, do you mean as handwriting question  
4 document examiners use that term?

5 A Sure.

6 Q Did they actually eliminate and say that  
7 we are confident that within our reasonable certainty  
8 this person did not author the note, as compared to  
9 some people that say elimination might involve no  
10 indications? Do you understand the difference?

11 A Yes, and that's somewhat of what we run  
12 into is how they classify those documents. So you  
13 really have to have conversations with those people.

14 A lot of times you say what do you mean by this? And  
15 so it really came down to this person didn't write  
16 the note. You know, I can tell you this person  
17 didn't write the note kind of thing.  
18 Q Without perhaps putting a formal --  
19 A Right.  
20 Q -- label to it?  
21 A Right, correct.  
22 Q Do you recall what was concluded with  
23 respect to Chris Wolf?  
24 A The conclusion was he didn't write the  
25 note.

32

1 Q And was there a written report or analysis  
2 of Chris Wolf's handwriting?  
3 A Yes.  
4 Q Done by Mr. Ubowski?  
5 A Yes.  
6 Q Do you recall when that analysis was done?  
7 A Well, there were several, actually,  
8 because we had different, as I recall that, we had  
9 different pieces of his handwriting that we submitted  
10 at different times. And so there were a couple of  
11 times that his handwriting actually went through a  
12 comparison. So I believe there were a couple reports  
13 that actually came back with some of his samples that  
14 had been compared on them.  
15 Q Were there any similarities found, to your  
16 recollection, between Mr. Wolf's handwriting  
17 exemplars and the note?  
18 A I don't recall what the exact language was  
19 on the lab report.  
20 Q Can you give me the dates of the reports?  
21 A I believe March of '98, I believe.  
22 Q Was the first one or both?  
23 A Well, I don't know because there was -- I  
24 believe there were some submitted in late '97,  
25 November of '97. And then I'm not sure whether we

33

1 got it, I think we got a report back prior to March  
2 of '98, but I'm not positive about that but I believe

3 we did. And then we submitted some additional or had  
4 some additional comparisons done and then there was a  
5 report in March of '98 as well.

6 Q Do you know why you all had the additional  
7 comparisons done?

8 A Just trying to be thorough when we had  
9 additional handwriting that was provided to us.

10 Q If, as you recall, Mr. Ubowski said I  
11 don't believe Chris Wolf wrote the note?

12 A Um-hum.

13 Q But you don't know whether --

14 MR. MILLER: You've got to say yes, Mark.

15 A Yes.

16 Q (BY MR. WOOD) But you don't recall  
17 whether it was a situation where he found any  
18 similarities but nonetheless did not feel that he  
19 wrote it. You don't know whether he found  
20 similarities or not?

21 A Again you're asking me detailed  
22 questions --

23 Q Yeah, I want to make sure that --

24 A -- I didn't have conversations with  
25 Mr. Ubowski.

34

1 Q Who did?

2 A I'm telling you secondhand information  
3 that --

4 Q Okay. Who would have had those  
5 conversations?

6 A I don't know for sure, probably Tom  
7 Trujillo.

8 Q Okay. Any reason why Trujillo as opposed  
9 to, say, Wickman?

10 A Tom Trujillo being the primary  
11 investigator was responsible for getting samples sent  
12 to CBI and getting those reports back.

13 Q Okay. I'm still, and I don't want to get  
14 beyond where Mr. Miller doesn't want me to go, but  
15 I'm trying to figure out, I mean, I know from  
16 information that there were varying opinions on Patsy  
17 Ramsey's handwriting. And I'm trying to find out  
18 what the police department's policy was because it  
19 seems that it would apply to all individuals perhaps  
20 why you wouldn't have a second person look at Chris

21 Wolf since you had four people on board and you know  
22 that in other instances you had conflicting opinions.  
23 Does that make sense? I may not be asking  
24 the question.  
25 A No, it doesn't make sense.

35

1 Q In other words, Chet Ubowski may have said  
2 one thing but Richard Dusak may have disagreed,  
3 right? I mean, that happened I take it?  
4 A I'm not aware of that happening.  
5 Q Do you think they were always in  
6 agreement?  
7 A In relation to who? Who are you talking  
8 about now?  
9 Q Anyone. I don't want to try to get into  
10 specific names; I want to know if they were always in  
11 agreement. Because if they're not and I understand,  
12 at least my understanding is on one particular person  
13 they were not in agreement. Why you would decide to  
14 stop at Ubowski and not have one of the other  
15 examiners look at Chris Wolf.  
16 MR. MILLER: I'm going to object because I  
17 think it's been asked and answered. I think he  
18 already answered your question.  
19 Q (BY MR. WOOD) Was Ubowski the end-all of  
20 the situation in terms of handwriting? Once you got  
21 Ubowski's opinion, that was good?  
22 A In some cases.  
23 Q What would make the difference between the  
24 cases where it was good and the cases where you would  
25 take it to someone else?

36

1 A Well, I think you have to look at it in --  
2 you're looking at it in a vacuum. When you're  
3 looking at handwriting, we're looking at the whole  
4 case and all the evidence combined.  
5 And we're looking for things that  
6 corroborate other evidence. And if you have  
7 somebody, for instance, whether it's this case or  
8 another case, that you have got some evidence that  
9 you can put them at the scene and now you have a

10 handwriting expert that says, yeah, there's some  
11 similarities there, that's corroborating evidence.  
12 That's building that person up as a stronger suspect  
13 in the case.

14 If you have -- if you run down these leads  
15 and you have no evidence that pans out in any of  
16 these other areas, fingerprints, hair, DNA, whatever.  
17 Q Witnesses, alibi?

18 A Witnesses, alibis, and the handwriting  
19 comes back negative, well, that's corroborating why  
20 nothing else is lining up as well. So it's you can't  
21 look at it in a vacuum.

22 Q The handwriting is not -- would not be  
23 looked at in a vacuum to determine the ultimate issue  
24 of whether someone was believed to be involved or not  
25 involved in the case. You have to look at, as you

37

1 say, all of the evidence; is that right?

2 A That's correct.

3 Q So the fact that Ubowski reached the  
4 opinion that Wolf, he did not believe, wrote the  
5 note, that in and of itself would not eliminate or  
6 exclude Chris Wolf from being involved in the crime,  
7 would it?

8 A Correct.

9 Q And again, I'm not trying to get you to  
10 pin this down, but I want to make sure that you're  
11 not pinning yourself down. When you said Ubowski  
12 said, I don't believe he wrote it, you're not saying  
13 that from the standpoint of whether he said no  
14 indications or elimination or whatever, you just  
15 remember that you were informed that Ubowski didn't  
16 believe Wolf wrote the note; is that right?

17 A Correct.

18 Q The formal findings as such would be  
19 contained in the written materials submitted by  
20 Ubowski back to your department?

21 A Correct.

22 Q Okay. Were there -- you're confident  
23 there were materials, written materials, submitted  
24 back to the Boulder Police Department on Wolf?

25 A Yes.

38

1 Q By CBI?

2 A Yes.

3 Q That would have been the case in any  
4 handwriting analysis done by CBI or any of the other  
5 individuals who were hired by the Boulder PD?

6 A Yes.

7 Q Okay. Why did the Boulder Police  
8 Department analyze Chris Wolf's handwriting?

9 A Well, again, there were a number of  
10 factors, one of which being his girlfriend came  
11 forward and gave some incriminating statements  
12 indicating she thought he might be involved. And so  
13 that is what initially brought him to the police  
14 department's attention. Again this is prior to me  
15 being on the case.

16 Q Right.

17 A So I'm giving you --

18 Q Your understanding --

19 A -- hearsay of the, you know, testimony  
20 here.

21 Q But your understanding is when you took on  
22 the role of being in charge of the investigation in  
23 October of '97 I'm sure you went back, to the best of  
24 your ability, to familiarize yourself with what had  
25 been done in the investigation from the time of her

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1 death up until the time you took on the role?

2 A Yes.

3 Q Okay. So while it's not I wasn't there at  
4 the time, it's still we get an educated --

5 A I just want to make it clear I'm not  
6 giving you -- I'm not giving you firsthand  
7 information --

8 Q I understand.

9 A -- I just want to make it clear.

10 Q Right. But your understanding from your  
11 review of the investigation was that Chris Wolf had  
12 been brought to the attention of the Boulder Police  
13 Department by his then girlfriend, an individual who  
14 I believe you would agree is Jackie or Jacqueline  
15 Dilson?

16 A Yes.

17 Q Okay. If I tell you I believe that  
18 occurred in January of 1997, does that sound about  
19 right to you in terms of when Ms. Dilson first  
20 approached the Boulder police?

21 A Yes, that's my understanding.

22 Q Was it -- as a result of Ms. Dilson's  
23 information, did Chris Wolf become a suspect in the  
24 JonBent Ramsey murder investigation?

25 A I wouldn't call him a suspect.

40

1 Q As a result of the information provided,  
2 did Chris Wolf come under the umbrella of suspicion  
3 in the JonBen t Ramsey case?

4 A That would probably be accurate.

5 Q What is the umbrella of suspicion?

6 A People who came to our attention and with  
7 some inquiry into those individuals. Again, there is  
8 some judgment involved here in looking at the  
9 totality of the circumstances. But it would look  
10 like, yeah, maybe there's a possibility that these  
11 people may be involved or have some knowledge. Those  
12 would be people that we would choose to investigate  
13 further.

14 And you know, to what level of degree that  
15 you would call them under suspicion I think is  
16 difficult sometimes to evaluate because there were  
17 obviously different levels.

18 As an example, we did a rundown of all  
19 registered sex offenders, and for no other reason  
20 than they were registered sex offenders.

21 Q Did they come under the umbrella of  
22 suspicion?

23 A Well, I don't know if I would put them --  
24 whether I would say that.

25 Q You would say it with respect to Chris

41

1 Wolf?

2 A Yeah, I think that's a fair  
3 characterization.

4 Q I don't know who coined the phrase, for  
5 some reason I think it was you?

6 A I believe it was.

7 Q Would I be correct in stating that an  
8 individual status from your standpoint as being under  
9 the umbrella of suspicion could be described by  
10 someone else in the investigation, someone else at  
11 the Boulder Police Department, as being an individual  
12 who had the status of suspect?

13 A Well, certainly anybody could call  
14 somebody anything they want. I'm not sure I  
15 understand your question.

16 Q Well, I'm trying to look at the Boulder  
17 Police Department's use of that term because there  
18 are at least one book and one detective who was  
19 involved in the investigation that has referred to  
20 Chris Wolf as a suspect and that's Steve Thomas. And  
21 I'm trying to find out what the Boulder Police  
22 Department's use of that term means.  
23 In other words, you might choose to use  
24 the term umbrella of suspicion.

25 A Um-hum.

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1 Q Was that term, in effect, mandatory in  
2 describing individual status on all of the members of  
3 the department or did you know that some other  
4 members of the department might refer to the  
5 individual under the umbrella of suspicion as being a  
6 suspect?

7 A Well, I think what we tried to do was we  
8 tried not to identify anybody as a suspect because  
9 specifically we were trying, number one, to protect  
10 people because, obviously, there were a lot of people  
11 that came under investigation in this case. And  
12 secondly, we wanted to be fair, try to be as fair as  
13 we could to individuals as well.

14 And so from our perspective, to be  
15 identified as a suspect, you would have to be  
16 somebody that there was a real possibility that you  
17 were involved in this crime versus, you know, someone  
18 said they think you did this crime and so now we've  
19 got to run down this lead, if that helps clarify it  
20 at all.

21 Q Well, I mean, a real possibility versus a  
22 possibility doesn't -- that's a pretty fine line for  
23 me. But I'm not the person coming up with the

24 titles. What I want to find out is how does one move  
25 from being under the umbrella of suspicion to the

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1 status of suspect?

2 A Maybe probability is a better word than  
3 possibility, because certainly possibility covers a  
4 lot of different situations.

5 Q Were there members of the Boulder Police  
6 Department, to your knowledge, who considered Chris  
7 Wolf a viable suspect?

8 A Not from the point I took over the  
9 investigation. I don't know if somebody considered  
10 him viable prior to that time.

11 Q Then why would you bring Chris Wolf in in  
12 March or February of 1998 and submit, take from him  
13 non-testimonial evidence for forensic testing?

14 A Well, I think until you can prove who did  
15 the case, you can't disregard other possibilities.  
16 Simply because somebody doesn't look like a viable  
17 suspect doesn't mean maybe the evidence won't lead  
18 you to then believe that they are viable. I mean, if  
19 evidence came back indicating that he had been  
20 involved then certainly his status would have been  
21 elevated.

22 Q But if he was brought to the attention of  
23 the Boulder Police Department in January of 1997, why  
24 did the Boulder Police Department wait until February  
25 or March of 1998 to obtain non-testimonial evidence

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1 from him?

2 A That I can't answer because I don't know.  
3 I wasn't involved in the investigation prior to  
4 October.

5 Q Do you know when Chris Wolf was moved out  
6 from under the umbrella of suspicion?

7 A Not a -- I can't give you a specific date.  
8 Probably a time frame would be as close as I could  
9 narrow it down to.

10 Q What time frame could you narrow it down  
11 to?

12 A Probably summer of 1998.

13 Q I'm looking at a -- and again, this is an  
14 article written by Chris Anderson published in the  
15 Daily Camera March 16th, 2000. And I'll let you take  
16 a look at it.

17 A Okay.

18 Q But the part that I'm referring you to at  
19 the moment is a quote attributed to you. It says,  
20 Boulder police chief Mark Beckner said Wednesday,  
21 several people listed in the Ramseys' book have been  
22 investigated, including the McReynolds, the Ramseys'  
23 former housekeeper Linda Hoffmann-Pugh, former  
24 Boulder journalist Chris Wolf and former Access  
25 Graphics employee Jeff Merrick. Quote, They are not

45

1 currently active suspects, end quote, said Beckner,  
2 who added there is nothing new in the Ramseys' claims  
3 covered in the book.

4 A Okay.

5 Q Do you believe Mr. Anderson has quoted you  
6 correctly in that article?

7 A The part that has quotations around it?

8 Q Yeah, that's the part I'm referring to.

9 A You know, I talked to so many reporters so  
10 many times. Do I have specific memory of making this  
11 statement? No.

12 Q When you look at it do you look at it and  
13 go, no, I would not have said that I don't believe?

14 A No, that sounds like something that I  
15 would probably say.

16 Q What did you mean by the use of the term  
17 that they're not currently and I'm focusing on active  
18 suspects?

19 A Um-hum. It means that we are not  
20 currently investigating them for involvement in the  
21 crime.

22 Q Had they been prior in time active  
23 suspects?

24 A Well, again, how do you use the -- how do  
25 you define suspect?

46

1 Q I would throw that ball --

2 A In terms of --

3 Q -- over to the law enforcement --

4 A -- how I define it, no. I would say, you

5 know, as we talked earlier, under suspicion would

6 characterize it accurately. Whether someone actually

7 goes to the level of suspect or not, that's a pretty

8 high level.

9 Q So when you use the term that someone is

10 under suspicion or remains under suspicion, you are

11 using that to be in effect interchangeable with

12 someone being under the umbrella of suspicion?

13 A Sure.

14 Q And you would specifically not use the

15 term suspect unless you felt that the individual had

16 moved from a possibility of being involved to a

17 probability of involvement?

18 A Yeah, they would certainly have to rise to

19 that level before you would want to identify somebody

20 as a suspect.

21 Q Was Bill McReynolds ever under the --

22 MR. MILLER: I object to that question.

23 MR. WOOD: If you let me answer it -- ask

24 it, I think maybe -- and then I'll tell you why it

25 has specific reference to Chris Wolf.

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1 Q (BY MR. WOOD) Was Bill McReynolds ever  
2 under the umbrella of suspicion?

3 MR. MILLER: I still object to it. What  
4 has that got to do with Chris Wolf?

5 MR. WOOD: Because we have evidence that  
6 Bill McReynolds was the academic advisor at the  
7 University of Colorado to Chris Wolf.

8 MR. MILLER: I think you need to ask him  
9 if he knows that. I don't know how that relates to  
10 this investigation.

11 MR. WOOD: I think that it would have an  
12 absolute relationship in terms of the police being  
13 interested in the idea that one person under the  
14 umbrella of suspicion had a relationship with another  
15 individual under the umbrella of suspicion. Now,  
16 that to me would at least from my common sense  
17 standpoint, would be fairly significant at least to  
18 look into. So that is the basis for the question  
19 that relates directly to Chris Wolf.

20 MR. MILLER: I think it's objectionable  
21 and I don't think it has got anything to do with the  
22 Chris Wolf investigation.  
23 Q (BY MR. WOOD) Were you aware of any  
24 relationship between Bill McReynolds and Chris Wolf?  
25 A Now that you bring it up, yes.

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1 Q Am I correct that in fact the Boulder  
2 Police Department was aware that Bill McReynolds had  
3 served as an academic advisor at the University of  
4 Colorado to Chris Wolf?  
5 A What I can tell you is that sounds  
6 familiar.  
7 Q Was that relationship investigated by the  
8 Boulder Police Department?  
9 A I believe it was.  
10 Q Do you know the name of the detective who  
11 was in charge of investigating that relationship  
12 between Chris Wolf and Bill McReynolds?  
13 A I'm not sure.  
14 Q Do you know what the results of that  
15 investigation revealed in terms of the nature and  
16 extent and duration or any other details of the  
17 investigation --  
18 A No, I don't recall.  
19 Q -- of the relationship?  
20 A I don't recall.  
21 Q Would there be -- would you expect that  
22 there would be some written reports that would  
23 document what the investigators found in terms of any  
24 details about the relationship between Chris Wolf and  
25 Bill McReynolds?

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1 A I would expect there to be.  
2 Q Would it be significant from the  
3 standpoint of the Boulder Police Department  
4 investigation if there was a relationship between two  
5 individuals who were both considered to be under the  
6 umbrella of suspicion?  
7 A Maybe, maybe not. That really depends on  
8 a lot of factors.

9 Q We know that Chris Wolf was under the  
10 umbrella of suspicion, correct?

11 A Correct.

12 Q Was Bill McReynolds ever under the  
13 umbrella of suspicion?

14 MR. MILLER: I object. This has nothing  
15 to do with Chris Wolf. You --

16 MR. WOOD: I think I just showed that it  
17 did.

18 MR. MILLER: Well, the fact that other  
19 people are under the umbrella of suspicion doesn't --  
20 I mean a lot of people as he has testified were under  
21 the umbrella of suspicion. That doesn't mean that  
22 they have anything in common except being under the  
23 umbrella of suspicion.

24 MR. WOOD: Well, with all due respect,  
25 Bob, he said it may or may not be of significance.

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1 And here where you have an individual, Bill  
2 McReynolds, who has a direct physical presence and  
3 relationship with the Ramsey family, an individual  
4 who has been in their home who had a relationship  
5 with JonBent, and then you come upon an individual  
6 who did not have a tie to the Ramseys directly and  
7 you learn that that person had a tie to Bill  
8 McReynolds, it seems to me that is fairly  
9 significant. But I don't know that; I need for the  
10 chief to tell me that. That's why I think it's a  
11 fair question related to Chris Wolf to know whether  
12 or not Chris Wolf, who was under the umbrella of  
13 suspicion -- in fact the department was also aware  
14 that Bill McReynolds was under the umbrella of  
15 suspicion.

16 MR. MILLER: I thought the article you  
17 just asked him to read had McReynolds' name in it.

18 MR. WOOD: That's why I would think it  
19 would have been a fairly --

20 MR. MILLER: And I thought he said, he  
21 confirmed that they were all under the umbrella of  
22 suspicion.

23 MR. WOOD: That's what I wanted him to  
24 confirm but you really didn't let him answer that  
25 question directly.

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1 MR. MILLER: Is that right?

2 THE DEPONENT: Yes, McReynolds was.

3 Q (BY MR. WOOD) Did he come out from under

4 the umbrella of suspicion the same time frame as

5 Chris Wolf?

6 A I have no idea.

7 Q You don't know whether there was any

8 relationship between the two investigations?

9 A I have no idea.

10 Q Tom Trujillo -- who would the best person

11 to answer that question?

12 A I'm not sure.

13 Q Give me if you would, Chief Beckner, your

14 best recollection or description of the investigation

15 of Chris Wolf. We've talked about the handwriting.

16 But just give me maybe your description of what the

17 department did regarding Wolf.

18 A Do you want a narrative?

19 Q To the best of your knowledge and ability

20 if you can give me that. We'll fill in some of the

21 details if we need to.

22 A Well, very generally I can tell you. I

23 can't give you the details. As I said, I believe it

24 was in late 1997 that we submitted, I believe it was,

25 some handwriting and possibly some fingerprints to

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1 CBI for comparisons.

2 And then in 1998, we submitted, we

3 submitted, we obtained DNA. I believe we obtained

4 some handwriting exemplars and some palm prints from

5 Mr. Wolf and then we submitted those. We then

6 submitted his known writings to Dr. Foster for a

7 linguistic analysis as well and a comparison, that

8 was in 1998.

9 We certainly interviewed Jackie Dilson

10 several times, did some -- we even did some recording

11 of phone conversations between her and Mr. Wolf to

12 see if there would be any indication in those

13 conversations of his involvement.

14 That would be the primary steps we took.

15 Q Did you ever take any hair samples from

16 Mr. Wolf?

17 A We may have. I don't -- I can't tell you

18 for sure.

19 Q Mitochondria, are you familiar with that

20 word?

21 A Yes.

22 Q Were there any mitochondria tests

23 performed on hair samples obtained from Chris Wolf?

24 A My understanding of DNA you don't have to

25 do that. Once you have the DNA you have the DNA. A

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1 person's DNA whether you get it from hair, saliva,

2 body fluids doesn't matter, it's the same. So one

3 DNA test is going to come back the same.

4 Q Does that mean the answer is no, you did

5 not do any mitochondria tests on hair samples taken?

6 A I don't believe we did.

7 Q Why would you bother to take hair samples

8 from anyone then if you have a DNA sample?

9 A You don't always have DNA samples. Some

10 hairs won't have DNA attached to them.

11 Q What was the type of fluid or material

12 that you took from Chris Wolf in order to check his

13 DNA?

14 A I believe they took saliva.

15 Q Okay. So if you have saliva from an

16 individual, why would you need a hair sample?

17 A For DNA, I don't believe you would need a

18 hair sample.

19 Q But what would you need the hair sample

20 for?

21 A You may want to do a comparison with other

22 hairs that you have at a crime scene.

23 Q Was any comparison done of the hair sample

24 or samples taken from Chris Wolf with any other hair

25 samples taken from the crime scene?

54

1 A I don't know.

2 Q Well, wouldn't you have expected there to

3 be?

4 A Not necessarily.

5 Q Why not?

6 A Well, there's -- this is getting into an

7 area that I don't think I can go into.

8 Q Well, I mean you took hair samples from

9 Chris Wolf. You come in and you state that Chris

10 Wolf was under the umbrella of suspicion?

11 A I --

12 MR. MILLER: He didn't say he took hair

13 samples of Chris Wolf.

14 A I said I didn't know.

15 Q (BY MR. WOOD) Let me tell you, then, that

16 Chris Wolf has stated that he did give hair samples.

17 A But I don't know that.

18 Q Well, let's assume, if you would, that

19 Chris Wolf is right about that at least. If he gave

20 hair samples, would the police department as a matter

21 of its investigative procedures compare his hair

22 sample to hair samples found at the crime scene?

23 A I would expect that.

24 Q There wouldn't be any real reason not to,

25 would there?

55

1 A No.

2 Q Would there be any other type -- what type

3 of comparison -- what is the test you do? Is it

4 simply looking under a microscope or does it involve

5 any type of forensic testing of the hair itself?

6 A It's primarily, if it's just hair, it's

7 primarily a comparison under the microscope. If

8 you've got a root attached then you've got some DNA

9 that can be tested through normal DNA process down --

10 CBI can do that.

11 If you want to get DNA off of just a hair

12 without a root sample, that has to be mitochondria

13 and the only place we're aware of that does that is

14 the FBI. And so it's something that -- it's not --

15 you just don't do it every day. You've got to have a

16 pretty good reason to do it and then you're on a

17 pretty long waiting list to get that done. It's not

18 something, where like you can with CBI, where you can

19 do hundreds of DNA samples; you can't do that with

20 hair.

21 Q So if you have the saliva swab from

22 Mr. Wolf and a hair sample and, again, I'm going to

23 ask you to assume, you would not have submitted the  
24 hair for DNA testing because you had the DNA you  
25 needed through the saliva, correct?

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1 A You know, I don't know whether CBI would  
2 do that or not. My understanding would be that the  
3 saliva would suffice for the DNA test and there would  
4 be no reason to do a DNA on the hair, that's my  
5 understanding.

6 Q But you would have expected, assuming  
7 again that Mr. Wolf did give the hair sample, you  
8 would have expected that it would have been examined  
9 under a microscope in terms of the comparison of hair  
10 fibers found at the crime scene or on the victim's  
11 body?

12 MR. MILLER: Objection. Asked and  
13 answered. You can answer.

14 Q (BY MR. WOOD) You can answer.

15 A I would expect that.

16 Q Where again, if Mr. Wolf were correct,  
17 where would this hair sample have been taken from or  
18 was it the procedure to take more than one from  
19 different parts of the individual's body?

20 A Again, it depends on your crime scene. As  
21 far as when you say procedure or policy, it's all  
22 dependent on your crime scene.

23 Q Well, understanding you have the knowledge  
24 of the crime scene here. Chris Wolf is asked to give  
25 hair samples. Where would you have taken the samples

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1 from in terms of his body?

2 A Well, there are a number of locations you  
3 could take. You could take pubic hairs, you could  
4 take head hairs.

5 Q Yeah, I understand. I understand that  
6 there are a number of locations. But I'm asking in  
7 terms of your investigation of this murder, with the  
8 knowledge you have of this crime scene --

9 A Um-hum.

10 Q -- if you want hair samples from Chris  
11 Wolf, where would they have been taken from? Would

12 they have been taken from his head? His chest? His  
13 underarm? His pubic area? Or all of those?  
14 A I would think probably pubic area and head  
15 hair.  
16 MR. MILLER: Can we take a break?  
17 MR. WOOD: Sure, any time.  
18 MR. MILLER: We've been going about an  
19 hour.  
20 MR. WOOD: Do you think the real deal  
21 might be on now?  
22 VIDEO TECHNICIAN: We're off the record at  
23 approximately 10:04 a.m.  
24 (Recess taken from 10:04 a.m. to 10:20  
25 a.m.)

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1 VIDEO TECHNICIAN: We're on the record at  
2 approximately 10:20 a.m.  
3 Q (BY MR. WOOD) You indicated, Chief  
4 Beckner, that in 1997 with respect to -- late 1997,  
5 you submitted some handwriting and possibly some  
6 fingerprints to CBI with respect to Chris Wolf.  
7 We've covered the handwriting, haven't we, that we  
8 talked about earlier that Chet Ubowski gave reports  
9 on a couple of occasions?  
10 A Yes.  
11 Q Now, what about -- you say possibly some  
12 fingerprints. Did you in fact obtain fingerprints  
13 from Chris Wolf?  
14 A Again, I just want to clarify I'm going by  
15 memory from almost four years ago. But yes, I recall  
16 that we had fingerprints from Chris Wolf.  
17 Q And were they submitted to CBI?  
18 A Yes.  
19 Q For comparisons to what?  
20 A To evidence taken at the scene. Any  
21 fingerprints that we had, any prints whatsoever that  
22 we had at the scene.  
23 Q Okay. And did you ever -- well, you go on  
24 to say you obtained some handwriting exemplars in  
25 1998. That would have been different from the

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1 initial handwriting?  
2 A I believe so. I'm, you know --  
3 Q And some palm prints --  
4 A -- the best of my recollection.  
5 Q Okay. Do you remember what the results  
6 were that came back on the fingerprints from CBI with  
7 respect to Mr. Wolf?  
8 A No match.  
9 Q Would I be safe then to say that across  
10 the board that would be true?  
11 A Yes.  
12 Q If you had a match from someone you  
13 wouldn't have expected to be in the house, we would  
14 probably all know about it.  
15 The palm print, again, you took a palm  
16 print left and right from Mr. Wolf, submitted those  
17 to CBI?  
18 A I know we took palm prints.  
19 Q Were they submitted to CBI?  
20 A Yes.  
21 Q Again, for comparison to what you believe  
22 were palm prints taken from the crime scene?  
23 A Yes.  
24 Q Did you take both the left and the right  
25 hand palm print from Mr. Wolf?

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1 A I don't know for sure.  
2 Q Do you know what you would have expected  
3 to be done in that regard?  
4 A Both, I would have expected.  
5 Q Both. And then you submitted known  
6 writings to Dr. Foster; is that Don Foster?  
7 A Yes.  
8 Q For linguistic analysis?  
9 A Correct.  
10 Q Did Mr. -- Dr. Foster issue a report on  
11 his analysis?  
12 A Yes.  
13 Q And what was his conclusion?  
14 A That Mr. Wolf did not write the note.  
15 Q And did he explain how he arrived at that  
16 conclusion?  
17 A Primarily that there were --  
18 MR. MILLER: Yes or no.

19 A Oh, yes.

20 Q (BY MR. WOOD) What was his explanation?

21 A Primarily that there were not enough

22 similarities between the two writing samples.

23 Q Were there any similarities?

24 A I can't recall what the specifics were.

25 Q You would have to look at the report?

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1 A (Deponent nods head.)

2 Q In terms of the documents and I'm not

3 asking you to agree that you would give them to us at

4 this point, but I'm just trying to find out in terms

5 of the accessibility and the organization, if I were

6 to ask for you to produce by subpoena the documents

7 such as the report Don Foster compiled on Chris Wolf,

8 the linguistic analysis, is the case file in the

9 Boulder Police Department organized in such a fashion

10 that that's something that you could get fairly

11 easily?

12 A The Don Foster report, yes.

13 Q Okay. How about CBI forensic reports?

14 A I don't know if I would say easy, but

15 they're obtainable.

16 Q Now, the forms that you send up to CBI,

17 are those Boulder Police Department forms?

18 A We have forms and they also have forms.

19 Q Do any of those forms make reference to

20 the phrase suspects?

21 A I would have to look at them.

22 Q For example, if you were to send up a

23 blood test on someone that came back from CBI, would

24 it have up at the top suspects, someone's name or

25 unknown or anything like that?

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1 A No, I don't believe so. No.

2 Q What were people called, to your

3 knowledge, that were under investigation or under

4 suspicion before you coined the phrase the umbrella

5 of suspicion? How were they referred to by the

6 Boulder Police Department?

7 A We really didn't refer to them in any

8 specific way, quite frankly.

9 Q The umbrella of suspicion as a

10 classification still exists today?

11 A More or less.

12 Q What do you mean when you say more or

13 less?

14 A Can I confer with my attorney?

15 Q Sure.

16 THE DEPONENT: Let's go off.

17 VIDEO TECHNICIAN: Are we off the record?

18 We're off the record at approximately 10:25 a.m.

19 (Recess taken from 10:25 a.m. to 10:28

20 a.m.)

21 VIDEO TECHNICIAN: We're on the record at

22 approximately 10:28 a.m.

23 MR. MILLER: Could you please read back

24 the last question?

25 (Page 62, lines 12 through 13 read.)

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1 A Yes. I mean yes.

2 Q (BY MR. WOOD) Okay. From your -- from

3 the time period that you have been involved in the

4 Ramsey case, October of 1997 to date, you have never

5 publicly referred to any individual as a suspect; am

6 I right?

7 A That's correct.

8 Q You have always carefully indicated that

9 individuals, whoever may come up, were either not or

10 were under the umbrella of suspicion?

11 A Yes.

12 Q Or used the phrase under suspicion?

13 A Yes.

14 Q Which you have told me means the same

15 thing as being under the umbrella of suspicion?

16 A Yes.

17 Q So from start to today, you have not

18 classified any individual as a suspect?

19 A Publicly, correct.

20 Q Or otherwise?

21 A That's not accurate.

22 Q How is it inaccurate?

23 A Internally John and Patsy are considered

24 suspects.

25 Q Both of them?

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1 A Yes.

2 Q Are considered to have probably been  
3 involved in the death of their daughter?

4 A Probability, yes.

5 Q Has anyone else ever attained that status  
6 of probably involved?

7 A No.

8 Q How does one get out -- who makes the  
9 determination -- let me go back.

10 How do you, at what point in time did they  
11 move from under the umbrella to being suspects?

12 MR. MILLER: I'm going to object to this.

13 I don't know how this has got anything to do with  
14 Chris Wolf.

15 MR. WOOD: I'm trying to figure out the  
16 use of the term because it's an issue in this lawsuit  
17 with respect to Chris Wolf.

18 MR. MILLER: He's told you.

19 MR. WOOD: I have Boulder Police  
20 Department detectives, at least one, referring to  
21 Chris Wolf as a suspect. And one of the issues in  
22 the case is was he a suspect. And the second issue,  
23 among many others, is how did he become one, and the  
24 third issue is going to be, you know, what was done  
25 and whether he was thoroughly investigated into

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1 whether or not he should or should not still remain  
2 as a suspect.

3 MR. MILLER: We don't have any objection  
4 into going into those things as to Chris Wolf but as  
5 to John and Patsy Ramsey and when they were a suspect  
6 and when they weren't and how they became one is  
7 totally irrelevant and that's what we chose to try to  
8 avoid during this deposition.

9 MR. WOOD: Right. But with all due  
10 respect, knowing when they attained the status of  
11 probable is going to relate, in my view, clearly to  
12 the thoroughness of investigations of other  
13 individuals who were simply possible.

14 MR. MILLER: I don't see how and I don't

15 think he should answer the question on John and Patsy  
16 Ramsey.  
17 MR. WOOD: Well, let me see if I can take  
18 their names out of it. I don't know if that matters.  
19 Q (BY MR. WOOD) Was anyone internally  
20 considered a suspect while others were still viewed  
21 as being under the umbrella of suspicion?  
22 THE DEPONENT: Answer that?  
23 MR. MILLER: Yeah, I think so.  
24 A Can you repeat it again?  
25 Q (BY MR. WOOD) Yes. Were any individuals

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1 considered by the Boulder Police Department  
2 internally to be suspects at the same time that other  
3 individuals who were being investigated were being  
4 classified as being under the umbrella of suspicion?  
5 A I believe so.  
6 Q How did you differentiate in terms of  
7 investigative efforts between people who were viewed  
8 as probably involved versus people that were viewed  
9 as possibly involved, since you were apparently  
10 investigating both at the same time?  
11 A Well, you have to run it down until you  
12 can be reasonably satisfied that a lead isn't  
13 developing into something more.  
14 Q What does it have to develop into when you  
15 say something more?  
16 A To a probability that they were involved  
17 in the crime.  
18 Q If Chris --  
19 A Or some evidence that they weren't  
20 involved. Something, you know, to give you something  
21 that you can make some judgment on.  
22 Q What was the judgment made on Chris Wolf?  
23 What was the basis for taking Chris Wolf out from  
24 under the umbrella of suspicion?  
25 A A combination of factors combined,

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1 everything combined that we had learned about Chris  
2 Wolf and the evidence that was submitted.  
3 Q What evidence did you have about Chris

4 Wolf that indicated he was not involved?

5 A Well, we had no match on fingerprints or  
6 palm prints. We had no match on handwriting or  
7 linguistics. We had no match on DNA.

8 Q Did you have a confirmed alibi?

9 A No.

10 Q Did you have a polygraph test?

11 A No. And then further discussions with his  
12 girlfriend as well led investigators to pretty much  
13 disregard what she had to say.

14 Q Why?

15 A She kept changing her story, some of the  
16 facts she was telling us would vary from time to  
17 time.

18 Q Did you go behind what she was telling you  
19 to try to talk with other individuals that she was  
20 referring you to that might have been witnesses?

21 A You know, I don't recall the details of  
22 all that, all that investigation.

23 Q Did the Boulder Police Department  
24 interview Jackie Dilson's daughter Mirah?

25 A I don't know.

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1 Q Should they have?

2 A I don't know.

3 Q Did the Boulder Police Department  
4 interview Ricky Easley, Mirah Dilson's live-in  
5 boyfriend?

6 A I don't know.

7 Q Should they have?

8 A I don't know.

9 Q Who would know that?

10 A Well, I'm not sure because I don't know  
11 what these names have to do with the case.

12 Q Who would I speak to that should know  
13 that, the relevant names to the Chris Wolf  
14 investigation?

15 A One of the other detectives that may be  
16 familiar to them, I'm not sure.

17 Q Who was in charge of the Chris Wolf  
18 investigation?

19 A There was no one particular person in  
20 charge of the Chris Wolf investigation. It was a  
21 team effort.

22 Q Of all --

23 A There were different aspects that people

24 would be involved in.

25 Q Of the entire Ramsey team?

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1 A Um-hum.

2 Q Who were the members of the Ramsey team,

3 then, the detectives by name?

4 A Well, it's varied over a period of five

5 years and I don't even know if I could name all of

6 them for you. Certainly Tom Wickman, Steve Thomas,

7 Ron Gosage, Jane Harmer, Cary Weinheimer, Mike

8 Everett, Kim Stewart. And this was in October of

9 '97. But there were a whole lot of other people

10 involved at various times. Then, of course, you had

11 Mitch Morrissey, Bruce Levin, Mike Kane that came in

12 later. You had investigators with the DA's office

13 prior to that.

14 Q Had Chris Wolf been removed from under the

15 umbrella of suspicion prior to the time that Michael

16 Kane and Bruce Levin and Mitch Morrissey came into

17 the picture?

18 A I can only tell you to the best of my

19 recollection. I believe Mike Kane came on in spring

20 of '98. So no.

21 Q Would one of the factors in removing Chris

22 Wolf from under the umbrella of suspicion be the fact

23 that the Boulder Police Department had concluded that

24 it was probable that John Ramsey and Patsy Ramsey

25 were involved in the death of their daughter?

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1 A No, I don't think so.

2 Q For example, if you as the chief of police

3 or as the commander in charge of the Ramsey

4 investigation state to your investigator or

5 investigators, members of your detective team, I

6 believe Patsy Ramsey killed JonBent, would you

7 expect that to have an impact on how that

8 investigator or detective would approach another

9 possible individual under suspicion such as Chris

10 Wolf?

11 A Would I expect it to? No.  
12 Q Well, why not? I mean when the chief says  
13 I believe Patsy Ramsey did this, how could that not  
14 impact the efforts to investigate others?  
15 MR. MILLER: Object to the form of the  
16 question. Misstates testimony.  
17 Q (BY MR. WOOD) Well, maybe I didn't lay  
18 the foundation. Have you ever made that statement to  
19 another detective in this case?  
20 A I don't know, to be honest with you,  
21 whether I have said that.  
22 Q Well, Steve Thomas says in his book that  
23 you did.  
24 A Well, I don't know that I have.  
25 Q Well, do you deny that?

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1 A No. I don't know whether I have or not.  
2 Q Well, does it sound like something that  
3 you would have said to another detective?  
4 A It may have been something that was said.  
5 We've had, you know, hundreds of conversations about  
6 hearings about this case. Maybe, I don't know. I  
7 don't recall saying that specifically.  
8 Q Well, I mean, Chief, that's not an  
9 insignificant statement to come from the chief of  
10 police or from the commander of the investigation. I  
11 mean is it possible that you may have made similar  
12 comments about other individuals?  
13 A Sure.  
14 Q That you believe some other person other  
15 than John or Patsy might have been involved?  
16 A Sure.  
17 Q Do you have a recollection of doing that?  
18 A I have a recollection of challenging  
19 detectives in terms of some of the evidence and what  
20 it means, sure.  
21 Q But I'm really looking more for the  
22 specific statement. I mean maybe that's the way, if  
23 Thomas is accurate and says that Mark Beckner said I  
24 believe Patsy Ramsey killed JonBent, would that have  
25 been -- should that be interpreted as a statement of

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1 your actual belief or is that a way that you might  
2 challenge some findings or some information from a  
3 detective? I'm not sure I'm following you.  
4 A Yeah, because to this day I haven't come  
5 to any conclusions on that. So what I would say is  
6 it would probably be in the context of discussing  
7 different theories about the case.  
8 Q Because to this day, you have not  
9 concluded yourself that Patsy Ramsey killed JonBen t?  
10 A That's correct.  
11 Q And would you expect then because the  
12 question is how other detectives if they hear you  
13 make statements like that, would you have expected  
14 them to understand the context in which you would  
15 make such a statement if you made it?  
16 A I would --  
17 MR. MILLER: Objection to the form of the  
18 question.  
19 Q MR. WOOD: Let me go back. I think the  
20 chief answered, but would you have expected your  
21 detectives if they heard you make a statement that  
22 you believed Patsy Ramsey did this or you believed  
23 that John Doe did this, that that would have been in  
24 the context of discussing different theories about  
25 the case as opposed to your stating your conclusion

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1 based on the evidence?  
2 MR. MILLER: Do you understand the  
3 question?  
4 THE DEPONENT: I think so.  
5 A Hypothetically, yes.  
6 Q (BY MR. WOOD) Hypothetically?  
7 A Well, you're creating a hypothetical  
8 situation --  
9 Q Yeah, because you don't remember --  
10 A I'm --  
11 Q I'm creating --  
12 A -- answering hypothetically.  
13 Q I'm asking you because you don't recall  
14 the situation as to whether that was actually said to  
15 Steve Thomas?  
16 A (Deponent nods head.)  
17 Q But if said hypothetically about Patsy or

18 any other person, you would have fully expected  
19 Detective Thomas or any other individual on the force  
20 that you were talking to to understand you were  
21 simply talking about one of many theories of the case  
22 as opposed to making a statement of accusation or  
23 conclusion, true?

24 A True.

25 Q And therefore, because of that, that's why

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1 you would not have expected any such statement about  
2 Patsy Ramsey or John Ramsey or John Doe or Jane Doe  
3 to have impacted the detectives' degree of  
4 investigative efforts toward other individuals under  
5 suspicion, true?

6 A Correct.

7 Q Okay. Would the sexual orientation of  
8 Chris Wolf have been a factor to be considered, that  
9 is to say whether he was heterosexual, homosexual or  
10 bisexual or I guess we could include, not with Wolf,  
11 but we could throw in the category of asexual?

12 A That's not something you would throw out.

13 I mean, I'm not sure I understand.

14 Q If --

15 A You consider all information you get.

16 Q Right. But if hypothetically I ask you to  
17 assume that Chris Wolf had confessed to one of the  
18 detectives that he was a homosexual but no one in his  
19 family or his friends had known that fact, would that  
20 information have been viewed as exculpatory as it  
21 related to the murder or death of JonBent Ramsey?

22 A I don't know why that would be seen as  
23 exculpatory.

24 Q I don't either but that's the -- you  
25 wouldn't view as it as exculpatory?

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1 A No.

2 Q You would just view it as just one  
3 additional bit of -- piece of information about a  
4 person under suspicion, it may or may not have  
5 relevance?

6 A Correct.

7 Q I mean there was no working theory that  
8 this act could not or was not committed by a  
9 homosexual, a male homosexual, was there?

10 A Are you asking me whether there was a  
11 theory?

12 Q Right. Was there any working theory that  
13 this was not the act of a male homosexual?

14 A No.

15 Q Okay. The background of Chris Wolf, did  
16 you all obtain his criminal record, the Boulder  
17 Police Department?

18 A I can't specifically remember that.

19 Q Would you have expected the detectives to  
20 go back and pull his criminal record history?

21 A I would expect that.

22 Q Do you have any knowledge of Mr. Wolf  
23 being arrested for public indecency and masturbation  
24 prior to the death of JonBent Ramsey?

25 A No, we've looked at so many people I can't

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1 remember -- distinguish to that detail.

2 Q Was Chris Wolf ever under suspicion in  
3 connection with the death of Susannah Chase?

4 A I don't know that I would say he was under  
5 suspicion for that.

6 Q How would you describe your department's  
7 investigation of Chris Wolf in connection with  
8 Susannah Chase --

9 A It may have been a lead that we would  
10 follow up on to make a determination but I don't  
11 believe he ever came under serious consideration.

12 Q Did he ever come under consideration?

13 A As a lead to follow up on.

14 Q Would that have been as a result of  
15 information from Jackie Dilson or information gained  
16 independent about Mr. Wolf and a possible  
17 relationship with Susannah Chase?

18 A Again, just based on recollection, I  
19 believe that also came from Jackie Dilson.

20 Q Did the department ever ascertain whether  
21 in fact Chris Wolf acknowledged that he had and did  
22 know Susannah Chase and perhaps had made overtures to  
23 her about trying to go out with her on a date?

24 A I believe -- that sounds familiar. I

25 believe we knew that.

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1 Q Would a given individual under suspicion,  
2 the lack of or the fact of cooperation with  
3 authorities factor in in terms of your assessment of  
4 the person's status in the investigation?

5 A Repeat again.

6 Q With respect to an individual under  
7 suspicion, obviously I take it that under the  
8 umbrella of suspicion, there might be different  
9 levels of suspicion; is that right?

10 A Certainly.

11 Q Would an individual's lack of cooperation  
12 with authorities, for example in terms of being  
13 interviewed, or the fact of cooperation with  
14 authorities, for example on being interviewed, factor  
15 in in the Boulder Police Department's assessment of  
16 the individual's status under the umbrella of  
17 suspicion?

18 A Yeah, it would be a factor.

19 Q Chris Wolf initially refused to cooperate,  
20 didn't he, sir?

21 A To the best of my recollection, yes.

22 Q He refused to give a handwriting exemplar  
23 in January of 1997?

24 A I believe so.

25 Q He refused to be interviewed in January of

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1 1997?

2 A Again, to the best of my recollection,  
3 yes.

4 Q He actually got physical and had to be  
5 hobbled by Detective Thomas and I think Detective  
6 Gosage; are you familiar with that?

7 A Yes.

8 Q You were aware that he had been brought  
9 into the Boulder -- well, you learned that he had  
10 been brought into the Boulder Police Department under  
11 a ruse traffic stop in order to be interviewed?

12 A Well, I wouldn't agree that it was a ruse.

13 My understanding was he did have a traffic warrant

14 out for his arrest.

15 Q I don't want to quibble over the word

16 ruse. My understanding is they used the traffic, the

17 outstanding traffic citation to specifically and

18 intentionally bring him in to talk about the JonBent

19 Ramsey case?

20 A Correct.

21 Q Not to pick him up and by happenstance in

22 the process of so that -- I don't mean to have been

23 implying with ruse but clearly there was a plan

24 developed to use the outstanding traffic ticket to

25 bring him into police headquarters to question him

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1 about the JonBent Ramsey case?

2 A That's my understanding.

3 Q And again we're assuming that was January

4 of 1997 and he was totally uncooperative; that's your

5 understanding, right?

6 A I don't know whether I could say totally.

7 I don't know whether I have enough knowledge of that

8 time frame to say that.

9 Q Do you have any knowledge that would

10 indicate that he in any way cooperated when he was

11 first brought in to the Boulder Police Department to

12 talk about the JonBent Ramsey case?

13 A That would be something I would have to

14 review. I don't know.

15 Q But based on your recollection, you recall

16 that he was uncooperative in the sense that he would

17 not give a handwriting exemplar, he would not give an

18 interview --

19 A That's my --

20 Q -- he would not discuss his whereabouts?

21 A That's my understanding.

22 Q Was that publicly discussed by you or any

23 other member of the Boulder Police Department about

24 his level of uncooperation, failure to cooperate?

25 A I don't recall.

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1 Q There was -- you know who Steven Pitt is?

2 A Yes.

3 Q What was his role?

4 A He was a forensic psychologist that

5 assisted us in the case.

6 Q What would a forensic psychologist bring

7 to the table?

8 A Well, he brings a lot in terms of

9 analyzing behavior, demeanor, statements, advice on

10 how to conduct interviews, advice on what questions

11 to ask, those areas.

12 Q Would he have been involved in a strategy

13 to bring public pressure on a given individual who

14 was under suspicion?

15 MR. MILLER: Objection to the form of the

16 question. I also object that it's outside the realm

17 of what we're talking about. If you're talking about

18 Chris Wolf --

19 MR. WOOD: I'm talking about matters that

20 it would seem to me to be applicable to Chris Wolf,

21 absolutely.

22 MR. MILLER: Well, I think if you've got a

23 question about Chris Wolf that ought to be the

24 question, but I don't think it should be a question

25 about everybody else.

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1 MR. WOOD: I haven't asked about everybody

2 else.

3 MR. MILLER: I think that's the way the

4 question was framed.

5 MR. WOOD: Well, he told me about what a

6 forensic psychologist would bring to the table and he

7 gave me a number of areas and I asked him would he

8 also have been involved in a police strategy to bring

9 public pressure on a given individual who was under

10 suspicion.

11 MR. MILLER: Given individual, it seems to

12 me it's everybody, including Chris Wolf.

13 MR. WOOD: I think that's why it's related

14 to Chris Wolf.

15 MR. MILLER: But not specifically to Chris

16 Wolf.

17 MR. WOOD: Well, the question of whether

18 it should have been, if it existed, if the strategy

19 existed and there is evidence that I have that it

20 did --

21 MR. MILLER: What strategy are we talking  
22 about?  
23 MR. WOOD: Why would it not -- a specific  
24 plan that involved Steven Pitt and others, including  
25 Bill Hagamaier of the FBI, that was developed around

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1 a strategy to bring public pressure on individuals to  
2 either force them to cooperate or for other reasons  
3 I'll discuss later. Let me establish the first.  
4 Q (BY MR. WOOD) I'm right about the  
5 strategy, am I not, it existed, Steven Pitt was part  
6 of it and so was Bill Hagamaier of the FBI?  
7 MR. MILLER: I don't think you ought to  
8 answer that question. I don't think it's got  
9 anything specifically to do with Chris Wolf.  
10 MR. WOOD: I'm entitled to know whether or  
11 not there was such a strategy because we now have the  
12 chief acknowledging that in January of 1997 within a  
13 month of this child's murder, Chris Wolf, who was  
14 brought to the attention of the authorities by his  
15 then live-in girlfriend who was at least credible  
16 enough to bring this man in for questioning, who was  
17 totally or at least to the chief's recollection at  
18 least uncooperative on the question of giving an  
19 interview and submitting handwriting exemplars, I  
20 want to know whether he was part of the strategy that  
21 I have evidence existed about bringing public  
22 pressure on suspects or individuals under suspicion  
23 to try to get them to cooperate. I think it's  
24 absolutely related to Chris Wolf and I'm entitled to  
25 an answer, Bob.

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1 MR. MILLER: I don't see how it's related  
2 to Chris Wolf. If you ask it in a specific reference  
3 to Chris Wolf, I think he can answer it.  
4 MR. WOOD: Why would it not be applicable  
5 to Chris Wolf and others?  
6 MR. MILLER: I don't know.  
7 MR. WOOD: That is what I'm trying to find  
8 out.  
9 MR. MILLER: Well, but I don't think that

10 is purpose of this deposition. The purpose of this  
11 deposition is, as our agreement says, to talk about  
12 specifics as to Chris Wolf, not the rest of the  
13 world, not the other suspects, not your other  
14 clients.

15 MR. WOOD: Don't imply that my other  
16 client, that Chris Wolf is a client.

17 MR. MILLER: I think that's got to be a  
18 consideration.

19 MR. WOOD: Here is the point. One of the  
20 issues in this case is whether or not Chris Wolf to  
21 this day was properly and thoroughly investigated by  
22 the Boulder Police Department.

23 And one of the issues in this case is  
24 whether you understand that this lawsuit involves  
25 more than just the allegations of libel. The heart

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1 of the allegations are based on the contention of  
2 Chris Wolf that Patsy Ramsey killed JonBent. That's  
3 part of the case as it relates to Chris Wolf.

4 We believe there is a serious issue that  
5 still exists to this day about whether or not Chris  
6 Wolf based on a thorough investigation should have  
7 been excluded as being involved in the crime.

8 Now, one of the areas that I'm trying to  
9 go into is whether or not when he was uncooperative  
10 in January of 1997, whether or not there was any  
11 efforts made to put pressure on him publicly in an  
12 effort to get him to cooperate.

13 MR. MILLER: Well, ask that question.

14 Q (BY MR. WOOD) Do you understand that  
15 question?

16 A Repeat it --

17 Q Sure. I want to know whether or not any  
18 efforts were made in 1997 through the media, use of  
19 the media, to bring pressure on Chris Wolf publicly  
20 in an effort to get him to cooperate with the  
21 investigation.

22 A I can't answer prior to October of '97.

23 Q You weren't --

24 A After October '97, no.

25 Q Was there a plan in effect for that to be

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1 done for a particular individual or possibly any

2 individuals who were under suspicion?

3 MR. MILLER: I think that that's outside

4 the purview of this deposition.

5 MR. WOOD: Well, I think I'm entitled to

6 know whether or not Steven Pitt and Bill Hagamaier

7 and Mark Beckner and others, not you, you weren't

8 there at the time, Eller, whether or not they had a

9 strategy and a plan to use the media to bring

10 pressure on individuals under suspicion in an effort

11 to get them to cooperate. And I also have evidence

12 that it was undertaken in an effort to get

13 individuals to potentially confess.

14 MR. MILLER: Well, he's answered --

15 MR. WOOD: And I think the issue -- I

16 think the issue of whether or not that existed and

17 then the secondary question being, if it did, was it

18 utilized with respect to a known uncooperative person

19 under suspicion, Chris Wolf, is absolutely relevant

20 and I'm entitled to an answer to it.

21 MR. MILLER: He's answered that as to

22 Chris Wolf.

23 MR. WOOD: I'm asking him whether he was

24 aware of the fact that that type of plan existed in

25 1997.

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1 MR. MILLER: Let me talk to him a minute.

2 VIDEO TECHNICIAN: We're off the record at

3 approximately 10:55 a.m.

4 (Recess taken from 10:55 a.m. to 11:02

5 a.m.)

6 VIDEO TECHNICIAN: We're on the record at

7 approximately 11:02 a.m.

8 MR. WOOD: Let me say, Bob, to you, so

9 that you understand. I mean, I'm trying to walk a

10 line that is difficult because we're defending John

11 and Patsy Ramsey in a civil charge of murder. I

12 understand there is an ongoing investigation, at

13 least one described as an ongoing investigation, I

14 guess I would say an open investigation.

15 That's why I tried to explain to you why I

16 think this clearly relates to Chris Wolf and it's not

17 just pulled out of the air to talk about other  
18 people, even though it might in fact relate to other  
19 individuals, including John and Patsy. So I want you  
20 to understand, I'm not trying to push the Chief or  
21 you here beyond the limits and that's why I tried to  
22 explain it. But I think you, and I hope you would,  
23 appreciate the difficult task that we have.  
24 And we -- I agreed to that request by you  
25 because I wanted to try to get the relevant questions

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1 as we perceived them that would relate to the  
2 difficult case of defending the Wolf matter out to  
3 perhaps in a way that avoids having to fight with you  
4 all now about going further, which ultimately is  
5 still an issue in the case if we don't survive  
6 getting out of the case on summary judgment.  
7 MR. MILLER: Let me just say I appreciate  
8 what you say. It's difficult for you, it's also  
9 difficult for us. Because as you point out, there is  
10 an ongoing investigation, not just an open case.  
11 There is an active, ongoing criminal investigation.  
12 And I think where we are on this line of  
13 questioning is that you're impinging on that ongoing  
14 investigation. He has answered the question with  
15 specific reference to Chris Wolf and that's, I think,  
16 the line that we seek to draw here. And so I have  
17 advised the Chief that I do think that as it relates  
18 to everybody else in the world, including the  
19 Ramseys, does impinge on an ongoing investigation  
20 and, therefore, I have advised him that it should be  
21 privileged and he should not answer it.  
22 MR. WOOD: Okay. I don't want to be  
23 disrespectful to that instruction. I assume you are  
24 taking a law enforcement statement privilege?  
25 MR. MILLER: Yes.

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1 MR. WOOD: I do want to go through some  
2 areas that I think might be helpful to the court if  
3 we need to go into that issue so that the court will  
4 understand the basis for my asking the question.  
5 Q (BY MR. WOOD) You are familiar, are you

6 not, Chief Beckner, with press releases issued by the  
7 City of Boulder as it pertains to the Ramsey  
8 investigation?

9 A Yes.

10 Q Have you had -- I'm sure when you took on  
11 the matter in October of 1997 you familiarized  
12 yourself with the public statements made by the  
13 police department and the city about the case?

14 A Actually I did not.

15 Q Let me ask you to take a look at the  
16 release of the December 27th, 1996 update on the  
17 homicide investigation?

18 MR. MILLER: Do you want to mark that?

19 MR. WOOD: We can. It's the only copy. I  
20 didn't lug extra copies. We can make a copy of it if  
21 we can. We'll mark it and then we'll copy it later.

22 Why don't we mark it as Exhibit 4.

23 MR. MILLER: Why don't we just have a copy  
24 made.

25 MR. WOOD: Here, we've got two others

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1 here.

2 MR. MILLER: Here, let's get them all,  
3 make two or three of them.

4 VIDEO TECHNICIAN: Do you want to go off?

5 MR. WOOD: Let me see. I'll switch gears,  
6 let's stay on if that's okay and I will move on to  
7 something else real quick.

8 Q (BY MR. WOOD) Don Foster, do you agree  
9 that ultimately the Boulder Police Department learned  
10 information about Don Foster that led to Foster being  
11 discredited as a credible witness on the issue of  
12 linguistic analysis in the Ramsey case?

13 THE DEPONENT: Counsel?

14 MR. MILLER: How is this relating now?

15 MR. WOOD: Bob, he's testified that Don  
16 Foster did a linguistic analysis on Chris Wolf. He's  
17 testified that that analysis was favorable for Wolf  
18 in that it indicated that he did not find sufficient  
19 similarities to conclude that Wolf was the author of  
20 the note.

21 It seems to me that I'm entitled to find  
22 out about Mr. Foster and his credibility with the  
23 Boulder Police Department --

24 MR. MILLER: How does that relate?

25 MR. WOOD: It does relate.

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1 MR. MILLER: Well, as specifically  
2 related?

3 MR. WOOD: I don't think you can embrace  
4 Don Foster with respect to his findings about Chris  
5 Wolf. On the other hand you know that he has been  
6 subsequently discredited, and I think that goes to  
7 what weight the Boulder Police Department and others  
8 might give to any statements about Don Foster finding  
9 in his analysis that Chris Wolf was not the author of  
10 the note.

11 MR. MILLER: I don't want to tell you how  
12 to ask the question but isn't the appropriate  
13 question is there anything that has come to light  
14 subsequently to discredit Don Foster as it relates to  
15 his opinion on Chris Wolf?

16 MR. WOOD: I think the question doesn't  
17 have to be limited to Chris Wolf. If he's  
18 discredited as a linguistic analysis as to one  
19 person, I think that raises, certainly should raise,  
20 concerns about being discredited as to others.

21 MR. MILLER: Possibly and possibly not.  
22 If you go to others, that's where we're having the  
23 same problem as we had with your last line of  
24 questioning.

25 MR. WOOD: Well, again, I just

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1 respectfully disagree. I think the question of  
2 whether the department --

3 MR. MILLER: Perhaps we should have gone  
4 to the court in the beginning, then we would have had  
5 the contours laid.

6 MR. WOOD: I did not know that Don Foster  
7 did a linguistic analysis on Chris Wolf's writings.  
8 I am told that today. So that raises in my mind the  
9 question of whether the Chief will acknowledge what I  
10 think is at least pretty common knowledge and so it  
11 doesn't seem to me to be a matter of privilege here  
12 at this point. That there was information submitted

13 to the Boulder Police Department that it learned  
14 about subsequent to the time of the Foster analysis  
15 of Wolf's writings that discredited Foster as a  
16 linguistic analyst. That's my question.  
17 MR. MILLER: Well, I -- what do you want?  
18 Do you want to talk about it? Can I suggest you ask  
19 the question specifically related to Chris Wolf and  
20 whether or not what he has learned later has any  
21 impact on his weight that he attaches to his opinion?  
22 MR. WOOD: I'll do that but I still think  
23 I have to go into the other area in order to try to  
24 figure out what significance, if any, to give the  
25 answer. But let's go back and I'll do it your way

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1 first.  
2 Q (BY MR. WOOD) Subsequent to the time that  
3 Don Foster completed his analysis of Chris Wolf's  
4 writings from a linguistic standpoint, did the  
5 Boulder Police Department obtain information about  
6 Don Foster that led the department to raise concerns  
7 about Foster's credibility with respect to his  
8 reports, including the report on Chris Wolf?  
9 A Yes.  
10 Q Tell me what information the department  
11 learned about Foster that led to that position.  
12 A He had written a letter to Patsy Ramsey  
13 prior to his involvement in the case where he  
14 indicated to her that he did not believe she was  
15 involved in the case.  
16 Q And so the weight that you might have  
17 otherwise given to his report on Chris Wolf was  
18 really undermined in its entirety by virtue of the  
19 subsequent information you learned about Foster?  
20 A Not in its entirety.  
21 Q But significantly?  
22 A Well, I don't know; I don't know whether  
23 that's accurate or not. There certainly were some  
24 problems raised.  
25 Q But how could it not be significant,

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1 Chief? The man is -- you've seen the three-page

2 letter. He has staked his career and reputation that  
3 Patsy Ramsey didn't write the notes, she is  
4 absolutely, unequivocally innocent and that he didn't  
5 make those statements without being right and he  
6 didn't reveal that information to the Boulder Police  
7 Department before you all hired him and paid him  
8 taxpayer money, and then he came up with an analysis  
9 that said that it was impossible for anyone else to  
10 have written the note except for Patsy Ramsey.  
11 That contradiction and concealment has to  
12 be significant enough that any report he submitted on  
13 any other person could not be relied upon by the  
14 department because you knew that he would be  
15 subjected to having his credibility destroyed; isn't  
16 that a fair statement?

17 A That's fair.

18 Q Okay. Let me go back and we'll get these  
19 marked.

20 MR. WOOD: We have a two-minute warning.

21 Do you need to change the tape?

22 VIDEO TECHNICIAN: Do you want to do it  
23 now?

24 MR. WOOD: Yeah, why don't you do it now.

25 And we will mark these 3, 4 and 5 and the Chief can

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1 be looking at them.

2 VIDEO TECHNICIAN: This concludes tape  
3 number one, to be followed by tape number two. We're  
4 off the record at approximately 11:12 a.m.

5 (Recess taken from 11:12 a.m. to 11:15  
6 a.m.)

7 (Exhibits 4 through 6 were marked.)

8 VIDEO TECHNICIAN: This begins tape number  
9 two. We're on the record at approximately 11:15  
10 a.m.

11 Q (BY MR. WOOD) Chief Beckner, while we  
12 were off the record, did you have an opportunity to  
13 review the documents that have been identified for  
14 purposes of this deposition as Exhibits 4, 5 and 6?

15 A Yes.

16 Q Do those documents appear to you, sir, to  
17 be true and correct copies of Boulder -- the City of  
18 Boulder press releases dated chronologically,  
19 December 27, December 28, December 29, 1996?

20 A As taken off the website, yes.  
21 Q December the 27th, 1996, next to the last  
22 paragraph it states "Commander Eller added, quote,  
23 The family has been cooperative and our investigation  
24 is continuing." Stopping there, do you have any  
25 knowledge, first or secondhand or otherwise, that

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1 would indicate that that statement by Commander Eller  
2 was inaccurate?

3 A On December 27th?

4 Q Yes. As of the time that it was made.

5 A Probably not.

6 Q Looking at Exhibit Number -- and that was

7 Exhibit Number 4.

8 A Yes.

9 Q Looking at Exhibit Number 5, next to the  
10 last paragraph, the last sentence of that paragraph  
11 "The family is cooperating with the investigation  
12 which is ongoing." As of December 28th, 1996, have  
13 you ever been made aware of any information that  
14 would indicate that that statement was inaccurate as  
15 of the time that it was issued by the Boulder  
16 authorities?

17 A I don't know what time the press release  
18 was issued but I know that evening there was a  
19 request for interviews.

20 Q It looks like it was released immediately  
21 December 28th. But we don't have the time of day.

22 A Right, right.

23 Q So let's look at --

24 A Probably when this was released, it  
25 probably --

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1 Q Was accurate?

2 A Would have been accurate, yes.

3 Q And then the next day, December the 29th,  
4 1996, second paragraph, Exhibit Number 6 "The family  
5 continues to cooperate with the police investigation,  
6 although police have not yet conducted interviews  
7 with the father and mother. They have been in no  
8 condition to be interviewed up to this point. There

9 are a number of people, including some family  
10 members, who have provided lengthy interviews and  
11 non-testimonial evidence. The non-testimonial  
12 evidence includes hair, blood and handwriting  
13 samples." Have I read that correctly?

14 A Yes.

15 Q Based on your information, firsthand,  
16 secondhand or otherwise, was that a true and accurate  
17 statement as of the time it was released on  
18 December 29, 1996?

19 A I would say not completely, no.

20 Q In what way was it not completely  
21 accurate?

22 A It's my understanding that the family  
23 would not come in that day for interviews and that  
24 the detectives were advised by the attorneys at the  
25 time that they would not be coming in.

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1 Q But doesn't the department say that  
2 itself, they, referring to the father and mother,  
3 have been in no condition to be interviewed up to  
4 this point?

5 A I can't speak for this press release.

6 This was before my involvement in the case. All I  
7 can tell you -- you asked me do I have knowledge  
8 beyond this press release that would indicate  
9 otherwise. The answer is yes.

10 Q Your information being that they had been  
11 asked to be interviewed?

12 A Um-hum.

13 Q But for whatever reason had declined at  
14 that time?

15 A That's correct.

16 Q Do you believe from this press release  
17 that they may have declined because, as the release  
18 states, they were not in a condition to be  
19 interviewed up to the point of time where this  
20 release was issued to the public?

21 A Are you asking my opinion?

22 Q I'm asking what you know. I mean, I just  
23 can't imagine why the City of Boulder would release  
24 this?

25 A Well, I know what did not happen. And

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1 that's all I can tell you is that they refused to be  
2 interviewed. Now, if I know all the reasons why, I  
3 can give you an opinion, if that's what you're  
4 asking.

5 Q Well, what appears to be the reason why  
6 according to the City of Boulder press release?

7 A Do you want an opinion?

8 Q Yeah, based on this press release, what  
9 does it say?

10 A My opinion would be is that they are  
11 giving the family the benefit of the doubt.

12 Q Okay. You have had police officers  
13 24/seven, you're aware, with the family?

14 A Um-hum.

15 Q And not standing guard outside the door  
16 but actually standing in their presence 24 hours a  
17 day during this time period?

18 A I'm not sure that's accurate.

19 Q And recording comments, conversations and  
20 events?

21 A I'm not sure that's accurate.

22 Q Do you know it to be inaccurate?

23 A I would have to go back and review the  
24 reports again.

25 Q Do you have any factual basis as we sit

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1 here today to dispute any representation made by the  
2 family as of the 29th of December that they were  
3 either physically or emotionally not in a condition  
4 to be interviewed?

5 MR. MILLER: Let me just interject here a  
6 minute. What does this got to do with Chris Wolf --

7 MR. WOOD: Trying to do --

8 MR. MILLER: -- as opposed to a defense of  
9 the Ramseys?

10 MR. WOOD: I understand. I'm trying to  
11 establish that there was a level of cooperation  
12 acknowledged by the Boulder Police Department,  
13 certainly not a level of uncooperation, with respect  
14 to the Ramseys that was in stark contrast to the lack  
15 of cooperation in January of 1997 by Chris Wolf. And

16 that is the basis in part on my inquiry into whether  
17 there existed a plan to bring public pressure through  
18 the media on an individual under suspicion to  
19 effectuate cooperation.  
20 That's the question I asked the Chief  
21 because if there is or was such a plan, and I have  
22 evidence that there was under oath, then I think that  
23 I am entitled to know why it was applied to John and  
24 Patsy Ramsey, who had evidenced cooperation and had  
25 given non-testimonial evidence, but it was not

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1 utilized against Chris Wolf, who had not been  
2 cooperative and who had refused to give  
3 non-testimonial evidence.  
4 MR. MILLER: We've already been down that  
5 road.  
6 MR. WOOD: And respectfully I know we  
7 have. And I told you I was going to go back and try  
8 to make the record to be able to tell the court or  
9 show the court why I wanted it and why I think it was  
10 clearly within the scope of our agreement as a matter  
11 relating to Chris Wolf.  
12 MR. MILLER: Yeah, my understanding,  
13 however, Lin, was in our phone conversation you said  
14 you were going to show him various press releases,  
15 ask him if it was true or not and that was the end of  
16 it.  
17 MR. WOOD: On matters that might not  
18 relate to Chris Wolf.  
19 MR. MILLER: Right.  
20 MR. WOOD: And this is a matter that  
21 relates to Chris Wolf, because I believe that I'm  
22 entitled to go into not only what was done by the  
23 police department investigating Chris Wolf, but what  
24 was not done and why it was not done particularly  
25 when I can show that it was available to be used

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1 against other individuals such as John or Patsy or  
2 other people. I think the question of why is a  
3 legitimate question in terms of the issue in this  
4 case as to whether Chris Wolf and ultimately other

5 individuals were thoroughly investigated by the  
6 police department.

7 MR. MILLER: I have made my objection and  
8 I stand by the objection. I stand by the assertion  
9 of the privilege and if you want to pose the last  
10 question I guess before I objected, that's fine. And  
11 see what --

12 Q (BY MR. WOOD) The question was do you  
13 have any factual basis as we sit here today to  
14 dispute any representation made by the family as of  
15 the 29th of December that they were either physically  
16 and/or emotionally not in a condition to be  
17 interviewed?

18 A No.

19 Q Do you have a time frame in your mind's  
20 eye, Chief, as to when you would have received the  
21 first handwriting report from Chet Ubowski on either  
22 John or Patsy Ramsey's first exemplar?

23 A No, I don't.

24 Q Do you think it was in January or would it  
25 have been subsequent in time?

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1 MR. MILLER: Of what year?

2 MR. WOOD: 1997.

3 A I'm not sure.

4 Q (BY MR. WOOD) Was Ubowski -- there were a  
5 series of exemplars given by Patsy, I think the last  
6 one maybe as late as May of '97?

7 A Yes.

8 Q Does that sound right?

9 A Yes.

10 Q Was it your understanding that Ubowski  
11 reached his final report, analysis, after all of  
12 those exemplars had been submitted?

13 A That was my understanding.

14 Q The reason I ask that is that would  
15 indicate that Ubowski's report on Patsy would have  
16 been post May or in or after May of 1997?

17 A You know, I would have to go back and look  
18 at the file and see if there is prior reports to  
19 that, I don't know.

20 Q Was the Boulder Police Department actively  
21 obtaining handwriting exemplars from people under  
22 suspicion during the year 1997 and the year 1998?

23 A Yes.

24 Q Do you have any explanation to offer as to  
25 why there was no effort made to obtain a handwriting

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1 exemplar from Chris Wolf until the early part of  
2 1998?

3 A No, I can't speak for the time prior to my  
4 involvement.

5 Q Do you view the use of the media to  
6 pressure an individual under suspicion into  
7 cooperating with authorities to be a legitimate  
8 investigative tool --

9 MR. MILLER: Objection. It's the same  
10 area.

11 MR. WOOD: I think if he says yes then I'm  
12 entitled to ask why it wasn't used with Chris Wolf,  
13 who we know was uncooperative.

14 MR. MILLER: You've already asked him as  
15 to Chris Wolf.

16 MR. WOOD: I'm trying to do it in a way  
17 that doesn't step on the toes of John and Patsy.

18 MR. MILLER: But I don't think you are. I  
19 think you're trying to do it in a way that doesn't  
20 really apply to this case and that's the objection  
21 because it is an ongoing investigation. And,  
22 frankly, it's a bit awkward since you represent them  
23 as well.

24 MR. WOOD: Represent who as well?

25 MR. MILLER: John and Patsy Ramsey.

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1 MR. WOOD: As well as who?

2 MR. MILLER: As well as whoever else  
3 you're -- you have told me you're representing some  
4 media outfit in this case as well.

5 MR. WOOD: No. No, we represent Media  
6 Professional Insurance Company who is the insurance  
7 company for Thomas Nelson.

8 MR. MILLER: Yes. Well --

9 MR. WOOD: Who is providing counsel for  
10 John and Patsy but they're not a media group.

11 MR. MILLER: They're a different entity.

12 MR. WOOD: Well, they're an insurance  
13 company.  
14 MR. MILLER: Yeah, that's what you told  
15 me, you represented them both, on the phone.  
16 MR. WOOD: I told you -- well, no, what I  
17 told you was that Media Professional is defending  
18 this case and that I am co-counsel.  
19 MR. MILLER: Right.  
20 MR. WOOD: And that we were trying, as I  
21 would represent to you now, to make sure that we  
22 don't cross the line of going into areas that are not  
23 relevant to this case. And if we can limit the  
24 amount of time, that's to the benefit of Media  
25 Professional. Ultimately Media Professional if this

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1 case is not dismissed on motion is going to be  
2 defending this case through the trial of the murder  
3 charge. So I was simply trying to accommodate your  
4 request and hopefully Media Professional's interest  
5 in holding down expenses. If we are able to  
6 successfully defeat the case on summary judgment.  
7 There is no conflict in the two and they  
8 are consistent with my questions to the chief, that  
9 is to say, as to Chris Wolf if he viewed that as a  
10 legitimate investigative tool, then I would like to  
11 know as he has told me, and you can acknowledge, why  
12 it was not used on Chris Wolf in 1997 to try to get  
13 him to cooperate and come in and give exemplars and  
14 to give an interview. I think it's a legitimate  
15 question and, you know, if we got an answer then --  
16 MR. MILLER: I thought you asked --  
17 MR. WOOD: We could move on to another  
18 subject matter.  
19 MR. MILLER: I thought you asked him about  
20 Chris Wolf and the media.  
21 MR. WOOD: He told me that he did not --  
22 was not aware of any strategy or plan applied to  
23 Chris Wolf to bring public pressure on him through  
24 the media to cooperate in 1997.  
25 Q (BY MR. WOOD) Am I right, Chief?

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1 A Yes.

2 Q My question now is, despite the fact that  
3 you say it was not used on Wolf, do you view it as a  
4 legitimate investigative tool, that is, using the  
5 media to bring public pressure on an individual under  
6 suspicion to try to get him to either cooperate or  
7 confess?

8 MR. MILLER: I have the same objection.

9 I've made it before. I make it again. And if you  
10 don't agree with it, Lin, we'll just have to have it  
11 litigated.

12 MR. WOOD: But it seems to me, Bob, that  
13 if he says yes I think it's legitimate. Then my  
14 question would be can you explain why it was not used  
15 on a person such as Chris Wolf. If he says no, I  
16 don't view it as legitimate, then we move on.  
17 I mean, it relates directly to facts that  
18 have been proven about Chris Wolf's lack of  
19 cooperation, lack of giving an interview, lack of  
20 giving non-testimonial evidence.

21 MR. MILLER: But he did all of those  
22 things, Lin.

23 MR. WOOD: Not in 1997.

24 MR. MILLER: Well, he did; he ultimately  
25 did them.

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1 MR. WOOD: So did John and Patsy.

2 MR. MILLER: Ultimately as well.

3 MR. WOOD: Right, before he did.

4 MR. MILLER: But this should not be  
5 whether we're comparing John and Patsy Ramsey to  
6 Chris Wolf.

7 MR. WOOD: We're not.

8 MR. MILLER: That's what you're trying to  
9 make it and that's my objection.

10 MR. WOOD: We're really not. The reason  
11 it sounds like that is you've got to remember  
12 ultimately I've got to answer the question in this  
13 case in defending it, one of the issues will be could  
14 Chris Wolf still be a viable person to be  
15 investigated, could others. And part of that, part  
16 of that defense if we get there will be to show that  
17 this police department did not thoroughly investigate  
18 other individuals.

19 And I'm trying today to stay away from the  
20 other individuals like Bill McReynolds, Mervin Pugh  
21 and Fleet White and a host of others that may have  
22 been either under suspicion or should have been under  
23 suspicion, one could argue. I'm trying to simply  
24 show as it pertains to Chris Wolf information that I  
25 think would indicate that he was not thoroughly

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1 investigated. And it just so happens that part of  
2 showing that is to show that there were tools being  
3 utilized by this department against John and Patsy  
4 Ramsey that were available that weren't used against  
5 Chris Wolf.

6 Now I think that's legitimate.

7 MR. MILLER: Well, I don't and I'm

8 sticking by my objection I made.

9 MR. WOOD: Okay. And the objection is so  
10 that it's clear?

11 MR. MILLER: The ongoing criminal  
12 investigation law enforcement privilege.

13 MR. WOOD: Any question that I ask about  
14 that strategy of public pressure through the media to  
15 coerce either cooperation or a confession you're  
16 going to take that privilege?

17 MR. MILLER: I am.

18 MR. WOOD: Okay.

19 MR. MILLER: Insofar as it's not related  
20 specifically to Chris Wolf, which he has already  
21 answered.

22 MR. WOOD: Okay. Well, we'll just agree  
23 to disagree on that one.

24 Q (BY MR. WOOD) Did the Boulder Police  
25 Department ever issue a search warrant in connection

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1 with Chris Wolf, either his premises or in connection  
2 with obtaining, for example, his computer, laptop  
3 computer?

4 A I can't recall.

5 Q Who would you point me to to say,

6 Mr. Wood, here is the person that I think is the best  
7 person to talk to about those kind of specifics or

8 would you say --

9 A Possibly --

10 Q -- better to get the records and look?

11 A Possibly Tom Wickman or Tom Trujillo.

12 Q On a lot of these questions could we be  
13 dealing with a situation where we might run around in  
14 a circle trying to figure out who knows the answer to  
15 a question like that. Would it be better to simply  
16 try to get the documents to look at them as they  
17 pertain to Chris Wolf, no questions about that?

18 A It might be better to say here is -- we  
19 have a question about whether there was a search  
20 warrant and then we can go research that and find  
21 that out for you. To try to remember everything that  
22 has occurred over a four- or five-year period --

23 Q Were there search warrants issued against  
24 or pertaining to individuals other than Ramsey family  
25 members?

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1 A I'm not sure. Because in a lot of cases

2 we just got cooperation so I'm not sure.

3 Q I mean as you sit here today, can you  
4 recall any search warrant being issued that was not  
5 issued against the Ramseys or a Ramsey family member?

6 MR. MILLER: I take it you're not  
7 including 41-1 as being -- even though it's under the  
8 search and seizure rules in Colorado.

9 MR. WOOD: 41-1, you have to tell me what  
10 41-1 is.

11 MR. MILLER: That's non testimonial.

12 MR. WOOD: Oh, are you talking about --  
13 no, we know that there was a -- we know that any  
14 number of individuals provided non-testimonial  
15 evidence.

16 MR. MILLER: It's under the same rule in  
17 Colorado. So --

18 MR. WOOD: I'm asking now about the  
19 issuance of a search warrant for the ability to  
20 search or seize property of an individual.

21 A I'm just not sure, sure enough to answer  
22 that under oath.

23 Q (BY MR. WOOD) Okay. That's something you  
24 could research and find out?

25 A (Deponent nods head.)

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1 Q True?

2 A Yes.

3 Q You indicated that there was some

4 telephone conversations between Jackie Dilson and

5 Chris Wolf that were tape recorded and monitored or

6 reviewed by the Boulder Police Department.

7 A Yes.

8 Q Tell me about those.

9 A I don't know a lot about them, I did not

10 review them.

11 Q How were they obtained?

12 A Through Jackie Dilson.

13 Q Who taped them?

14 A Again, that's something I would have to

15 research; I don't know off the top of my head.

16 Q Is it possible the Boulder Police

17 Department performed the taping?

18 A I believe we did in conjunction with

19 Jackie.

20 Q Would that have been through some

21 mechanism, again, Bob knows all about this, not more

22 about this, in Georgia you can record a conversation

23 if you're party to it?

24 A Right, yes, you can.

25 Q But if you're not a party to it you can

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1 not record it. I don't know whether Jackie Dilson --

2 if that's the Colorado law or not. Was there any

3 search warrant or any judicial authority granted for

4 the Boulder Police Department to tape record those

5 conversations or do you believe it was permissible

6 for the department, if it did so, to do so under an

7 agreement with Jackie Dilson who was a party to the

8 conversation?

9 A No, it would have been legal in Colorado

10 to do that because she was a party to the

11 conversation.

12 Q And consented to the Boulder Police

13 Department taping?

14 A Yes.

15 Q Do you know how many conversations,  
16 ballpark, that you believe were tape recorded?

17 A No, I don't.

18 Q Was Jackie Dilson provided with any type  
19 of questioning or scenarios to discuss with Chris  
20 Wolf designed to evoke potential incriminating  
21 statements from him?

22 A I don't know.

23 Q What would you have expected?

24 A My expectation would be that there would  
25 be some conversation around those issues.

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1 Q You would have a guy like Steven Pitt who  
2 could give you input into things she might be able to  
3 say that might trigger a particular answer that might  
4 show some or provide information one way or the other  
5 to the department?

6 A Sure.

7 Q Do you know whether Steven Pitt --

8 A No, I don't.

9 Q Would you have expected him to do so?

10 A No, I'm not sure what time frame we're  
11 talking about. So I don't know whether he was even  
12 involved at that time.

13 Q Is he actively involved now?

14 A No.

15 Q How long has he been off the case?

16 A A couple years.

17 Q He was off prior to the grand jury being  
18 adjourned in 1999, wasn't he?

19 A Prior to it being adjourned?

20 Q Well, sent home, discharged?

21 A You know, I'm not sure whether he was  
22 still consulting at that time with the DA  
23 investigators or not.

24 Q Okay. Let me just ask this specifically,  
25 I threw it in with the search warrant question, did

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1 the Boulder Police Department ever make any attempt,  
2 to your knowledge, to obtain and perform a search on  
3 any computer used by or owned by Chris Wolf?

4 A I don't know.

5 Q Jackie Dilson in her statement to  
6 authorities, I would ask you to assume, indicated  
7 that -- is there a part of that you want me to pull  
8 out of that assumption?

9 A Well, just when you say assume, okay.

10 Q Well, I mean, I think it's fairly reliable  
11 that Jackie Dilson informed the Boulder Police  
12 Department that on the 26th of December that one of  
13 the things that she thought was suspicious about  
14 Chris Wolf was that he wanted one of her relatives, I  
15 believe, to delete certain files from his, I believe,  
16 laptop computer. Does that ring any bells to you in  
17 terms of refreshing you on information that might  
18 have been obtained by the Boulder Police Department  
19 on that issue?

20 A Vaguely.

21 Q Since it's vague and not clear, let me put  
22 it in the form of a hypothetical. To assume that she  
23 provided substantively that type of information,  
24 would you have expected the Boulder Police Department  
25 to undertake efforts to obtain the computer to see

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1 then if they could ascertain the contents of the  
2 files that allegedly had been deleted?

3 A Without knowing the full context, it's  
4 hard to answer that. And without knowing all the  
5 information that was available and what information  
6 was available, it's hard to answer that.

7 Q Were any -- did the Boulder Police  
8 Department engage in any investigative efforts to  
9 review contents of individuals' computers who were  
10 under suspicion?

11 A Boy, I don't know. I can't recall at this  
12 time if we did that or not.

13 Q Jackie Dilson also has indicated, and I  
14 believe Chris Wolf has confirmed, that she presented  
15 the Boulder Police Department with the blue cotton  
16 sweater worn by Chris Wolf. Do you recall that  
17 being --

18 A I don't recall that. I recall vaguely  
19 that there was some clothing that she offered.

20 Q Were any fiber tests, forensic tests  
21 conducted on those articles of clothing by the

22 Boulder Police Department?

23 A I don't know.

24 Q Would you have expected there to be?

25 A Again, without knowing the context and all

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1 the information, it's difficult to answer.

2 Q The context of Chris Wolf being

3 investigated as an individual under the umbrella of  
4 suspicion?

5 A Without knowing what the clothing is and

6 whether there was something that potentially could  
7 match --

8 Q Blue cotton sweater?

9 A -- those things, I would expect that.

10 Q Because there were blue fibers found on  
11 the crime scene?

12 A Yes.

13 Q So do we know whether the fiber test was

14 conducted on the blue cotton sweater and, if so, the  
15 results of whether there was any type of consistency  
16 in the fibers with the fibers found at the crime  
17 scene?

18 A That I don't know.

19 Q Fiber evidence in and of itself would not  
20 eliminate any individual as being under suspicion,  
21 would it?

22 A In what way?

23 Q In any way.

24 A Well, fiber evidence -- it's not evidence

25 if it's not a match. So what do you mean by

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1 evidence?

2 Q When you say it's not a match, that's  
3 loose. I mean matches are rare in fiber analysis,  
4 aren't they? What you generally come up with --

5 A I don't know how rare they --

6 Q -- is consistent with, isn't that what you  
7 generally get?

8 A Yes.

9 Q Okay. Because it would take a very unique  
10 fiber to say that we can absolutely tell you that

11 this is a match?

12 A Yes.

13 Q That's a very rare, if ever, occurrence,

14 true?

15 A Yes.

16 Q So if I have got Chris Wolf and he's got a

17 blue cotton sweater and he submits that to the

18 authorities and you check and you say, okay, we've

19 got a fiber from this sweater of Mr. Wolf's and it's

20 consistent with the blue cotton fiber that we found

21 at the crime scene, that doesn't tell you that Chris

22 Wolf was involved in the murder, does it?

23 A No.

24 Q And if it comes back that it's not

25 consistent with, that doesn't tell you that he was

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1 not involved in the murder, does it?

2 A Correct.

3 Q But you would want to know, it would seem,

4 if he's under suspicion and he submits material to

5 you, in this case hypothetically blue cotton, you

6 would expect it to be analyzed because there were

7 blue cotton fibers found on the crime scene, true?

8 MR. MILLER: Objection. Asked and

9 answered.

10 Q (BY MR. WOOD) Am I right?

11 MR. MILLER: You can answer it again.

12 A Yes.

13 Q (BY MR. WOOD) Okay. To your knowledge,

14 have those blue fibers at the crime scene ever been

15 sourced?

16 MR. MILLER: Wait a minute. What is the

17 question?

18 MR. WOOD: To his knowledge, have the blue

19 fibers found at the crime scene ever been sourced.

20 A There are a lot of reports around on fiber

21 evidence. To the best of my recollection, no.

22 Q (BY MR. WOOD) Were there any other color

23 fibers found at the crime scene that had not been

24 sourced?

25 A That have not been sourced?

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1 Q Yes.

2 A Yes.

3 Q What colors?

4 A Brown.

5 Q So blue, brown, anything else?

6 A Not off the top of my head, no.

7 Q That's something that could be ascertained

8 with research?

9 A Yes.

10 Q Do you know whether Jackie -- do you

11 recall Jackie Dilson turning in any sheets to the

12 Boulder Police Department that she said were sheets

13 that had been slept on or in contact with Chris Wolf?

14 A I don't recall it, no.

15 Q Again, that would be something that

16 someone might -- would be expecting to find in the

17 records if researched?

18 A Yes.

19 Q Because you would log it in and you would

20 obviously keep up with wherever it was sent for

21 testing and the test results?

22 A Yes.

23 Q Do you know -- I believe Chris Wolf has

24 told us that he gave blood samples. Is that a form

25 of non-testimonial evidence that the Boulder Police

120

1 Department was obtaining from people under suspicion?

2 A It was a form, yes.

3 Q What type of testing was done on blood

4 samples that were obtained from individuals under

5 suspicion?

6 A Well, I know there were some DNA tests

7 done on blood samples.

8 Q Any other test, other than DNA?

9 A Not that I'm aware of.

10 Q Do you know whether DNA -- I believe you

11 told me DNA tests were done or were performed with

12 respect to Chris Wolf?

13 A Yes; to the best of my recollection, yes.

14 Q Do you know the results?

15 A Yes.

16 Q What were the results?

17 A He did not match the DNA from the scene.

18 Q Has anyone matched the DNA from the scene?

19 A No.

20 Q Can you give me a ballpark figure of how

21 many individuals have submitted DNA?

22 A Well, back up a minute. There is more

23 than one sample of DNA. So specifically what are you

24 referring to?

25 Q Well, as I understand it, there is DNA and

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1 I don't want to get technical here, but I understand

2 there was DNA found, foreign DNA, found under the

3 fingernails on JonBent's left and right hands; am I

4 right?

5 A Okay. Yes.

6 Q As I understand it, there was foreign DNA

7 found either on -- I'll just say on her underwear?

8 A Yes.

9 Q Now, I'm not aware as I sit here of any

10 other DNA. Was there any other?

11 A Yes.

12 Q Where was it?

13 A Well --

14 MR. MILLER: Just a minute.

15 THE DEPONENT: Yeah. We're getting into

16 evidence here.

17 MR. MILLER: I don't think you should

18 answer that question.

19 Q (BY MR. WOOD) I have to be able to know.

20 You raised the issue yourself about the different

21 areas of DNA. So I assume it has some relevance to

22 the subject matter that I'm asking you about in terms

23 of the tests done with Chris Wolf.

24 A You can certainly ask me if Chris Wolf

25 matched any DNA at the scene. I can answer that.

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1 Q But I'm asking you about -- but I asked

2 you whether anyone else's did and you indicated

3 initially no. I said Do you know whether DNA -- I

4 believe you told me DNA tests were done or performed

5 with respect to Chris Wolf?

6 Yes; to the best of my recollection, yes.

7 Do you know the results?

8 Yes.

9 What were the results?

10 "Answer: He did not match the DNA from

11 the scene.

12 "Question: Has anyone matched the DNA

13 from the scene?

14 "Answer: No.

15 "Question: Can you give me a ballpark

16 figure of how many individuals have submitted DNA"

17 and you didn't answer that.

18 You said "Well, back up a minute. There

19 is more than one sample of DNA. So specifically what

20 are you referring to" was the question you posed to

21 me.

22 So that has relevance of your own inquiry

23 and so I need to find out what other DNA you're

24 referring to.

25 A When you asked the question, I'm thinking

123

1 the unknown DNA.

2 Q Well, I mean --

3 A I answered the question in that context.

4 Q Known DNA -- I'm talking about DNA foreign

5 to JonBent.

6 A Okay.

7 Q That's what I'm asking you about and

8 whether any of that has been matched, DNA found on

9 her, foreign to her, whether that was matched to

10 Chris Wolf?

11 A DNA found on her?

12 Q Or on her clothing.

13 A And the question is did that match to

14 Chris Wolf? The answer is no.

15 Q Has it matched, been matched to anyone?

16 A The DNA on JonBent?

17 Q And/or on her clothing?

18 A No.

19 Q Obviously you're telling me there was DNA

20 that was not on JonBent or on her clothing; is that

21 correct?

22 A Correct.

23 Q Where was that?

24 A We're getting into areas where I feel like

25 we can't go.

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1 Q Well, I'm trying to figure out what was  
2 done with Chris Wolf, and then obviously I'm trying  
3 to find out if it's been matched with anyone since  
4 that's the larger picture of the case in its  
5 entirety. But I don't know what I'm getting if I  
6 don't know what I'm asking about. You raised the  
7 question, you've indicated there was DNA that was  
8 found somewhere other than on her body or on her  
9 clothing.  
10 I had initially asked you about the crime  
11 scene, I thought. Pull that back up. I asked you  
12 specifically, you did not match the DNA from the  
13 scene? Answer --  
14 "Question: Has anyone matched the DNA  
15 from the scene?  
16 "Answer: No."  
17 And you seem to be telling me now that you  
18 want to modify that answer, that there was DNA from  
19 the scene foreign to JonBent. And I'm asking you  
20 where?  
21 A What I'm saying is I am getting into  
22 evidence that goes beyond Chris Wolf.  
23 Q Well, was Chris Wolf's -- was Chris Wolf's  
24 DNA tested against this other DNA that you say was  
25 found at the scene that you don't want to tell me

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1 about?  
2 A Well, that wouldn't be accurate. Compared  
3 against would be the accurate question.  
4 Q Well, was it compared against?  
5 A Yes.  
6 Q Why would it be compared against if it had  
7 already been identified as known?  
8 A Well, again --  
9 MR. MILLER: I don't think he can answer  
10 this question.  
11 Q (BY MR. WOOD) Well, the DNA evidence from  
12 Mr. Wolf was obtained in February or March of 1998,  
13 right?

14 A To the best of my recollection, yes.  
15 Q Why would you have tested it, and maybe  
16 you didn't, why would you have tested it against  
17 foreign DNA that you had already had a match on from  
18 someone else?  
19 MR. MILLER: He didn't say he already had  
20 a match on. That's why --  
21 MR. WOOD: I may have been reading too  
22 much in because he made reference to known DNA. And  
23 I thought he was -- I was assuming that maybe they  
24 had gotten a match and you knew the source.  
25 A We have JonBent's DNA; that's known DNA.

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1 Q (BY MR. WOOD) Right. And then you have  
2 foreign DNA?  
3 A Yes.  
4 Q And the question was has any of the  
5 foreign DNA, foreign to JonBen t, you have indicated  
6 to me has not been matched to Chris Wolf?  
7 A Correct.  
8 Q And I asked you had it been matched to  
9 anyone and you initially said no; is that correct?  
10 A The DNA on her body or clothing, the  
11 answer is no; that's right.  
12 Q What about the crime scene?  
13 A That's what I can't answer.  
14 Q But here is the dilemma. I want to know  
15 if whatever this we'll call it DNAX, okay, was Chris  
16 Wolf's DNA compared to DNAX?  
17 MR. MILLER: He answered that yes.  
18 A Yes.  
19 Q (BY MR. WOOD) Okay.  
20 A I can tell you it does not match DNAX.  
21 Q Right. At the time that Chris Wolf's DNA  
22 was compared to DNAX, had it been compared to any  
23 other DNA and found to be a match?  
24 A Compared with other -- no, it's not  
25 been -- his DNA has not been matched to anything at

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1 the crime scene.  
2 Q But the DNAX at the time that you compared

3 Chris Wolf's DNA to the DNAX, had you compared the  
4 DNAX to other individual's DNA and found there to be  
5 a match or been able to identify whose DNA it was?

6 A Well, you're time line is all way off  
7 base.

8 Q Well, my time line is limited to the  
9 moment --

10 A Yeah.

11 Q -- to the fact that you took the DNA from  
12 Chris Wolf, you obtained it in February or March of  
13 1998.

14 A And we did not have DNAX at that time.

15 Q So DNAX came along subsequent in time?

16 A Yes.

17 Q And when it came along, was Chris Wolf's  
18 DNA which had been kept on file, right, you maintain  
19 it?

20 A Um-hum.

21 Q Was it compared to DNAX?

22 A The lab would have to answer that.

23 Q Well, would you have expected it to be?

24 A Not necessarily.

25 Q Why?

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1 A Well, if -- hypothetically?

2 MR. MILLER: No, not hypothetically.

3 Q (BY MR. WOOD) I would rather you --

4 A I don't know how to answer it without  
5 giving away information.

6 MR. MILLER: Well, then don't answer it.

7 Then don't answer it.

8 Q (BY MR. WOOD) You know, part of the  
9 process here is going to require you ultimately to  
10 give away information.

11 MR. MILLER: He doesn't have to give away  
12 information that is related to the ongoing  
13 investigation and that's really the key here.

14 MR. WOOD: Well, unfortunately that's the  
15 argument we will have.

16 MR. MILLER: That's the --

17 MR. WOOD: I'm defending clients on a  
18 murder charge in a civil case.

19 MR. MILLER: Well, you're not really.

20 You've got a civil case --

21 MR. WOOD: Yes, I am.

22 MR. MILLER: You've got a civil case and--

23 MR. WOOD: Where the allegation is murder.

24 MR. MILLER: Well, you've got a -- you

25 could classify it that way. The legal claims are not

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1 murder.

2 MR. WOOD: Let me just tell you that Judge

3 Julian Korn, a former United States attorney, as you

4 have been, has clearly characterized this as a

5 defense against a charge of murder. And I have the

6 transcript to show that to you.

7 MR. MILLER: Well --

8 MR. WOOD: And the point is, we don't need

9 to argue about it today. But I am being met with a

10 lawsuit that is in fact supported in part by Boulder

11 police detectives or former Boulder police detectives

12 as witnesses and information leaked and provided to

13 the public, the media from the Boulder Police

14 Department as part of the basis of Darnay Hoffman's

15 case against my client. It may be painful down the

16 road for information to come out but that's just the

17 way things may have to be.

18 Q (BY MR. WOOD) The point here is maybe

19 this will at least help us know if it's a total waste

20 of time. Was DNAX obtained before or after Chris

21 Wolf was cleared from under the umbrella of

22 suspicion?

23 A I would have to go back and look and see

24 what the time frames were.

25 Q Was the DNAX discovered prior to June of

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1 1998 when the VIP presentations I have called it or

2 it's been referred to was made?

3 A No.

4 Q Do you know in relationship to the grand

5 jury whether it had been discovered prior to the

6 grand jury convening in September, I believe, of

7 1998?

8 A Prior to?

9 Q Yes.

10 A I don't believe so.

11 Q So does that help you relate to Chris Wolf

12 how it might time out?

13 A Yeah, it probably would have been

14 afterwards time-wise.

15 Q After he was cleared?

16 A You're using the word cleared. We've

17 never cleared Chris Wolf.

18 Q Well, maybe that's -- I meant to go over

19 that with you. To take someone out from under the

20 umbrella of suspicion, does in effect say, as you

21 said in the statement to Chris Anderson, that that

22 person is no longer an active suspect, right?

23 A Correct.

24 Q Without trying to invent a new

25 classification, I think that what you're saying from

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1 a practical standpoint is that the person is

2 basically until the crime is solved, would remain an

3 inactive suspect?

4 A Not necessarily. You could develop new

5 information all the time.

6 Q That's what I mean until the case is

7 solved they would remain an inactive suspect --

8 A Not necessarily --

9 Q But could they --

10 A -- solve it.

11 Q Well, wait a minute.

12 A Not necessarily solve it.

13 Q But perhaps get information that would put

14 that person back under the umbrella or maybe even

15 make that person a suspect?

16 A Absolutely.

17 Q That possibility still exists today as it

18 pertains to Chris Wolf, doesn't it?

19 A Absolutely.

20 Q I mean, you have not excluded Chris Wolf

21 as being involved in this murder?

22 A As far as clearing him, no, we have not.

23 Q And would I be safe without going into

24 specific names, would I be safe in saying that there

25 are, it's a considerable number of individuals who

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1 have not been cleared, even though they may not at  
2 this moment be under the umbrella of suspicion?

3 A I think that's true any time you have an  
4 open case.

5 Q And it's true in this case?

6 A Yes.

7 MR. MILLER: It's about noon, Lin. How  
8 long do you think we're going to go here?

9 MR. WOOD: Well, I would like to try to go  
10 until 1. I think we'll be through by 1 with this  
11 area that we've agreed to. That would get us lunch  
12 and get us back to Weinheimer on time so give or  
13 take a few minutes or depending on your all  
14 preference we can grab a sandwich now.

15 MR. MILLER: No, I would rather -- let's  
16 just take a break now. We've been going for awhile,  
17 and then come back.

18 MR. WOOD: Why don't we at least take a  
19 break for a while and then we can continue.

20 VIDEO TECHNICIAN: We're off the record at  
21 approximately 11:57 a.m.

22 (Recess taken from 11:58 a.m. to 12:12  
23 p.m.)

24 VIDEO TECHNICIAN: We are on the record at  
25 approximately 12:12 p.m.

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1 Q (BY MR. WOOD) Chief Beckner, the DNAX, I  
2 want to make sure because I'm still not clear, were  
3 any samples of Chris Wolf's DNA compared to DNAX?

4 A I don't know the answer to that question.

5 Q Would you have expected them to be?

6 A Not necessarily.

7 Q Why not?

8 A Well, again, I think we're going down the  
9 road of talking about the evidence.

10 Q I mean, I have to talk about the evidence  
11 because you've got DNA. You have DNA from Chris Wolf  
12 and you've got an open investigation. Chris Wolf has  
13 not been cleared and the question to me is very  
14 logical. Why would you not have compared Chris  
15 Wolf's DNA to this DNAX?

16 MR. MILLER: First of all, I don't know

17 that he said that he didn't. He doesn't know.  
18 MR. WOOD: Yeah, but he said not  
19 necessarily. I'm trying to find out why would they  
20 not necessarily have done so.  
21 MR. MILLER: I think what he said is that  
22 because of the other factors going on in this  
23 investigation that he knows and that shouldn't be  
24 part of this case tends to make him believe that it  
25 wasn't necessary. And therefore we're asserting the

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1 privilege on that.  
2 Q (BY MR. WOOD) Has a source for DNAX been  
3 identified. I don't want to know who it is, but has  
4 a source for DNAX been identified?  
5 THE DEPONENT: Do I answer that?  
6 MR. MILLER: I don't think so. I don't  
7 think you should answer that.  
8 MR. WOOD: You're taking the privilege?  
9 MR. MILLER: Yes.  
10 Q (BY MR. WOOD) If a source hasn't been  
11 identified the question would be why would you not  
12 compare the DNA that you have in your investigation  
13 from people under the umbrella of suspicion to DNAX;  
14 you would, wouldn't you?  
15 A I'm not sure it hasn't been.  
16 Q So do you -- DNAX stands out in your  
17 mind's eye obviously? I mean it came back to you  
18 today when we were talking about DNA from the scene  
19 and do you have knowledge that DNAX, that a number of  
20 individuals' DNA specimens have been compared to what  
21 you call DNAX for analysis?  
22 A I don't know how many people have been  
23 compared to that.  
24 Q But could you give me a ballpark estimate?  
25 A No, I couldn't.

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1 Q Why not?  
2 A Because I didn't speak to the lab about  
3 that.  
4 Q Do you think it was a considerable number?  
5 I mean, you know --

6 MR. MILLER: I object.

7 Q (BY MR. WOOD) Did you go back, Chief --

8 MR. WOOD: Maybe it's just my own

9 inability to frame the question correctly, Bob.

10 But I've got Chris Wolf here who has been

11 taken out from under the umbrella of suspicion. It

12 appears at a subsequent time that there is another

13 sample of DNA found foreign to JonBent somewhere on

14 the crime scene other than on her body or her

15 clothing. I'm trying to find out whether Chris Wolf

16 who has not been cleared, whether his DNA would have

17 been expected to be compared to the DNAX. I just

18 think that's --

19 MR. MILLER: He's answered he doesn't

20 know, Lin. I mean that's the answer. It may not be

21 the one you want, it's still the answer.

22 Q (BY MR. WOOD) Who would know? Who would

23 I talk to to get the answer to that question?

24 A Of whether his DNA was compared --

25 Q Yes.

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1 A The FBI laboratory.

2 Q The FBI laboratory?

3 A (Deponent nods head.)

4 Q Is there any reason why FBI versus CBI? I

5 thought maybe the DNA testing had been done by FBI

6 all along. I don't know.

7 A Yes, there is a reason.

8 Q But wouldn't the specimens have been sent

9 from the Boulder Police Department, whoever the FBI

10 tested, wouldn't it have gone to the FBI from the

11 Boulder Police Department?

12 A Well some explanation is in order here.

13 Once you have the markers for DNA, you don't

14 necessarily have to have the DNA sample to compare

15 those markers to other DNA.

16 Q But the FBI didn't keep those markers on

17 file; the Boulder Police Department or CBI did I

18 would take it?

19 A CBI has those.

20 Q So somebody would have to send those

21 markers because there are reports that show the

22 markers, right?

23 A Correct.

24 Q Somebody would have to send that to the  
25 FBI from either CBI or the Boulder Police Department,

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1 right?

2 A Yes.

3 Q Do you believe that samples -- clearly  
4 there were some samples sent?

5 A Yes.

6 Q Possibly Chris Wolf's?

7 A Possibly.

8 Q Possibly a number of other individuals who  
9 had been under the or were under the umbrella of  
10 suspicion?

11 A Possibly.

12 Q Can you just give me your best estimate as  
13 to when these materials would have been sent to the  
14 FBI?

15 A No, I really can't. Because the FBI is so  
16 backed up, I know we waited a long time on some of  
17 the lab tests to be done. And so it would be hard to  
18 pin down when we sent it in without actually checking  
19 the records.

20 Q Can you ballpark when you started getting  
21 the results back?

22 A I'm not sure. I believe it was sometime  
23 in 2000.

24 Q Can you back that up now to months or  
25 several months to try to figure out when --

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1 A I would sure hate to do that under oath  
2 because I'm just not sure enough.

3 Q I don't want you to just purely speculate.  
4 If you have a reasonable, you know, if you reasonably  
5 can estimate then I would ask you to do that, but I  
6 don't want you to just pull something out of the air.

7 A I wouldn't be comfortable right now doing  
8 that.

9 Q Okay. That's fair. Recognizing it was  
10 2000 that you began to get results back, in your  
11 mind's eye, Chief, can you ballpark the number of  
12 results that you got back?

13 A Well, you have misinterpreted a little bit  
14 of what I said.  
15 Q Okay. Help me out.  
16 A When you say start to get results back,  
17 the FBI has been involved in this case from the  
18 early, the early days.  
19 Q From day one.  
20 A So there has been -- there have been  
21 different results coming back at different times  
22 throughout the year so we didn't just start to get  
23 results back in 2000.  
24 Q Right. But I'm talking about DNAX.  
25 A Well, the result starts and ends on one

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1 day basically. I mean, you get the result back and  
2 there it is.  
3 Q But did it cover a number of individuals,  
4 one report back, is that what we're talking about?  
5 A I don't know that I have ever actually  
6 seen the written report.  
7 Q Well, based on what you know about it.  
8 A I don't know. I really don't know whether  
9 they included others on that report or not.  
10 Q Well, I'm clearly speculating but I think,  
11 with some degree of a reasonable basis, that John and  
12 Patsy's DNA would have been sent to compare to DNAX.  
13 So maybe the question ought to be just put to you,  
14 were other individuals' DNA samples sent to the FBI  
15 markers for comparison to DNAX, other than John or  
16 Patsy Ramsey?  
17 A Yes.  
18 Q Okay. Would it be fair from your  
19 recollection to say that it was a number of  
20 individuals?  
21 A Mr. Wood, I don't know that for a fact,  
22 but that would be my guess.  
23 Q Okay. And whether Chris Wolf is in there  
24 or not is something we could ascertain by someone  
25 researching the record?

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1 A Yes.

2 Q Okay. You have indicated to me earlier  
3 that Chris Wolf does not have a confirmed alibi,  
4 right?

5 A Correct.

6 Q In the case where you do not have a  
7 confirmed alibi and specifically with Chris Wolf, as  
8 I understand it, his claim was that he was with  
9 Jackie Dilson. Her claim was that he was not, that  
10 he came in the early morning hours of the 26th and  
11 the clothes were dirty, he took a shower.

12 Why did you not ask Chris Wolf to submit  
13 to a polygraph test on the issue of his alibi?

14 MR. MILLER: Object to the basis of the  
15 question. I don't think it's been established he  
16 didn't.

17 Q (BY MR. WOOD) Well, I apologize. Chris  
18 Wolf has testified that he was never asked to take a  
19 polygraph test. Let me see if the Chief agrees with  
20 that. Was he asked or was he not asked?

21 A I don't know.

22 Q Well, would you have expected him to be  
23 asked in proper investigative techniques and  
24 procedures particularly where we've got an alibi  
25 situation as I have just described it?

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1 A Not necessarily.

2 Q Why not?

3 A Many people that we have investigated, you  
4 wouldn't necessarily ask them to take polygraphs.

5 Q But if you've got someone who has given  
6 you -- that can't confirm an alibi and it's just a  
7 matter of you either having to accept that person's  
8 statement as true or not, isn't that an ideal  
9 situation for you to ask for a polygraph?

10 A Well, you're taking it out of the context  
11 of the whole of what we knew about the evidence of  
12 the case and the evidence that we have from Chris  
13 Wolf.

14 Q What if he takes a polygraph on the issue  
15 of his alibi and he shows deception. That may change  
16 the whole picture of Chris Wolf, couldn't it, Chief?

17 A Possibly.

18 Q So why wouldn't you find that out?

19 A Well, you don't have any other evidence

20 linking him to the crime.

21 Q You've got knowledge that he had an

22 association with Bill McReynolds?

23 A No other evidence linking him to the

24 crime, though.

25 Q But you've got evidence that linked Chris

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1 Wolf to the Ramseys. You've got an article that he

2 wrote and referenced Access Graphics prior in time in

3 the Boulder -- that local business newspaper, right?

4 A Um-hum, yes.

5 Q You've got writings that indicate some

6 admitted dislike for Lockheed and suppliers of arms

7 to Third World people. Chris Wolf, you found that

8 out, didn't you?

9 A Yes.

10 Q Did you know that you had a man that would

11 go and submit for money to go to parties where all of

12 the people there would be men and that he would strip

13 naked and allow them to fondle him and he would then

14 allow them to perform oral sex on him; did you ever

15 learn that about Chris Wolf?

16 A No.

17 Q Did you ever learn that Chris Wolf would

18 go to parties and allow women and men to touch him

19 and then have intercourse in front of other people

20 with women while the others watched; did you ever

21 learn that about Chris Wolf?

22 A Not to my knowledge.

23 Q Did you ever make any inquiries and

24 ascertain the use by Chris Wolf of illegal drugs?

25 A I don't know.

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1 Q Did you ever follow up to find out about

2 Chris Wolf's subsequent employment history after

3 he -- the death of JonBent and whether he had any

4 jobs that might have put him into contact with young

5 females age four, five, six or seven?

6 A I don't know.

7 Q Did you ever learn that Chris Wolf would

8 take pictures of himself masturbating and display

9 them to other people?

10 A No.

11 Q Did you ever learn that Chris Wolf would  
12 allow himself to be photographed nude and to have his  
13 picture used in publications to sell erotic devices?

14 A No.

15 Q Don't you think that that is information  
16 that you would want to know?

17 A Certainly.

18 Q Wouldn't a thorough investigation of Chris  
19 Wolf have resulted in the Boulder Police Department  
20 learning those facts about this man if you accept  
21 that I'm telling you the truth about what he admitted  
22 to when he was put under oath?

23 A I'm not sure.

24 Q There was some reference that there was a  
25 police record that Chris Wolf had failed to notify

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1 authorities about a change of his address. Are you  
2 aware of that prior law enforcement matter as it  
3 pertains to --

4 A That doesn't ring a bell.

5 Q Would you expect there to be a transcript  
6 of the January 1997 attempts by Detective Thomas and  
7 others to interview Chris Wolf?

8 A I don't know that they tape recorded that  
9 or not.

10 Q If they did, and I think Detective Thomas  
11 told me he thought he did, but would that tape still  
12 exist, would -- it would be maintained?

13 A It should, yes.

14 Q No physical evidence of interviews or of  
15 any type of matters relating to this case that are in  
16 writing or otherwise physical items, tangible items  
17 has been lost or destroyed? Maybe the question would  
18 be destroyed --

19 A Not to my knowledge.

20 Q -- or discarded?

21 A Not to my knowledge.

22 Q Intentionally?

23 A Not to my knowledge.

24 Q What were the parameters that you were  
25 working on in terms of the investigation as to when

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1 you would ask individuals who were under suspicion to  
2 submit to a polygraph test? The guidelines I guess  
3 is what I'm asking for.

4 A Yeah, I think it was -- well, there's a  
5 combination of things you look at. One would be to  
6 what level they rose to be under suspicion, whether  
7 you could answer some questions some other ways, the  
8 level of cooperation, that sort of thing.

9 Q Well, where did Chris Wolf fit on that  
10 scale if we had -- I'll put it on a one to ten, ten  
11 being at the highest level of suspicion under the  
12 umbrella, one being at the lowest level but still  
13 under the umbrella of suspicion, where would you  
14 place Chris Wolf on that scale at its highest point?  
15 A Well, some of this involves my review of  
16 '97 rather than just my knowledge of Chris Wolf. I  
17 would say he was probably -- do you want me to give a  
18 number, one to ten?

19 Q Yeah, on my one to ten scale, if you  
20 would, to give me some idea of --

21 A Oh, probably six or seven.

22 Q Are you aware that after -- I mean there  
23 comes a time where you exhaust your investigative  
24 efforts with respect to a particular individual where  
25 you just run out of things to do, true?

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1 A Or you make a decision that this is not a  
2 lead worth following anymore, so you may not totally  
3 exhaust everything, but you get so much information  
4 you've got to make some decisions on it, you have to.  
5 You just don't have the resources to follow  
6 everything up to final wherever it leads you. But  
7 you have to make some decision at some point whether  
8 this is panning out and getting stronger or this is  
9 not, it's getting weaker and there is no evidence  
10 right now that would lead us to believe we would get  
11 any more evidence. So there are some decision points  
12 that you have to make on different leads.

13 Q Did you ever ask Jackie Dilson to submit  
14 to a polygraph examination?

15 A I don't know.

16 Q Was there ever a request to Chris Wolf to  
17 do an opposite hand handwriting exemplar?  
18 A I'm not aware of one but it would be  
19 something that I would have to look at the file.  
20 Q Are you aware of any requests made to  
21 individuals under suspicion to give opposite hand  
22 handwriting exemplars?  
23 A Other than Patsy?  
24 Q Yes, other than Patsy.  
25 A No.

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1 Q Why not?  
2 A Well, that really is a decision made by  
3 CBI and that would be a question that they would have  
4 to answer as to why they would want a left-hand  
5 exemplar.  
6 Q From her and no one else?  
7 A Yes.  
8 Q Back in the early part of 1997?  
9 A Correct.  
10 Q When the investigation was still in its  
11 early stages?  
12 A Correct.  
13 Q Who at CBI? Is Ubowski still there, is he  
14 the one that --  
15 A Chet Ubowski --  
16 Q -- you believe would make that --  
17 A Chet Ubowski is the one that I believe  
18 would request that.  
19 Q Are you aware from any source of any  
20 information that either the Ramseys' attorneys or the  
21 Ramseys' attorneys' investigators provided to the  
22 Boulder Police Department that related to Chris Wolf?  
23 A Yeah, I believe they provided some  
24 information.  
25 Q Tell me what you know about that.

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1 A Boy, I haven't reviewed that for so long,  
2 I don't know what the specific information is but I  
3 know we received some.  
4 Q You don't recall the date? Was it down

5 the road in the investigation?

6 A I think actually there were several times

7 where we received information on Chris Wolf.

8 Q Do you know who you received it from?

9 A I can't recall specifically.

10 Q Can you pin down the latest date you

11 believe you might have received any information about

12 Chris Wolf from a Ramsey investigator or attorney?

13 A I think in 2000.

14 Q What did you receive in 2000 about Chris

15 Wolf?

16 A I think we received a packet of

17 information that listed him in there as a possible

18 suspect.

19 Q Do you know who sent that to you? Was it

20 Ollie Gray?

21 A It may have been Ollie Gray.

22 Q Okay. And what was done in response to

23 that information?

24 A It was handed over to Tom Wickman to go

25 through that material and to look at it to see if

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1 there were any loose ends that needed to be followed

2 up on or any leads in there that need to be looked

3 at.

4 Q I mean based on some things that I have

5 indicated to you today and because you're under the

6 confidentiality order that you're allowed to see,

7 would the Boulder Police Department be interested in

8 reviewing the deposition testimony of Chris Wolf?

9 A Yes.

10 MR. MILLER: Is that an offer?

11 MR. WOOD: Yeah, I think that within the

12 confines of the order I don't know that I can just

13 simply give it to you to say use it for purposes

14 unrelated to the investigative -- I'm not sure I have

15 the authority to give it to you when I know that it's

16 going to be looked at from an investigative

17 standpoint as opposed to limited to this litigation.

18 MR. MILLER: Now you have my problem.

19 MR. WOOD: But I'm going to solve my

20 problem because I --

21 MR. MILLER: All right. Well, then I --

22 MR. WOOD: I might -- I'm going to reserve

23 the right to make sure by reading the order that I  
24 could do it. If I can, you will have it; if I can't,  
25 I'll ask Judge Carnes for permission to do it or

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1 Darnay Hoffman --

2 MR. MILLER: What other depositions might  
3 you have that we would be interested in?

4 MR. WOOD: Steve Thomas.

5 MR. MILLER: We would love to have that  
6 one as well.

7 MR. WOOD: I would think that Steve  
8 Thomas's deposition would be of -- you know, you  
9 would like to have that.

10 MR. MILLER: We would like to have them  
11 both.

12 MR. WOOD: It's okay with me. Thomas has  
13 filed -- let's go off the record for just a second.

14 VIDEO TECHNICIAN: We're off the record at  
15 approximately 12:34 p.m.

16 (Recess taken from 12:34 p.m. to 12:35  
17 p.m.)

18 VIDEO TECHNICIAN: We're on the record at  
19 approximately 12:35 p.m.

20 Q (BY MR. WOOD) I was just pointing out  
21 Chris Wolf did not claim confidentiality except three  
22 or four specific portions of his deposition. Some of  
23 that information I have talked about today because I  
24 am allowed to do so under the protective order once  
25 you sign on. So we'll get that to you and then I'll

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1 find out if we can get the confidential portions to  
2 you in light of the fact that you're part of the same  
3 protective order where you would be obligated to not  
4 disclose them without court order.

5 MR. MILLER: And without knowing who all's  
6 depositions you have we would be interested in any  
7 depositions of anybody that sheds any light on this  
8 whole matter.

9 MR. WOOD: Okay. We're here. We're going  
10 to try to get some more. I can tell you that Fleet  
11 White is under subpoena from Darnay Hoffman. We

12 expect to depose him in December. His lawyer said  
13 he's going to honor his subpoena.  
14 MR. MILLER: Good luck.  
15 MR. WOOD: Is he still in jail? Don't  
16 answer that.  
17 Q (BY MR. WOOD) If Chris Wolf has indicated  
18 to us that he was told by members of the Boulder  
19 Police Department that he had been cleared, he's  
20 either -- he's mistaken or he's misunderstood what  
21 somebody has said to him; is that fair?  
22 A Oh, somebody may have used those words.  
23 Q But that would not have been an accurate  
24 description?  
25 A Not in terms of officially, no.

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1 Q Okay. Is there a difference between being  
2 officially cleared and being unofficially cleared? I  
3 thought earlier you told me that Wolf had not been  
4 cleared. Are you telling me that he has been  
5 unofficially cleared but not officially cleared?  
6 A Well, I think the problem comes in  
7 semantics and people use that term differently and  
8 some detectives may use those words. If you're  
9 asking me is he cleared, I would say -- tell you no.  
10 I would tell anybody no. We haven't cleared anybody  
11 in this case until we solve it. Then everybody  
12 except the person responsible is cleared at that  
13 point.  
14 Q Tom Wickman contacted Wolf we're told in  
15 1999 when he was living down in New Orleans and asked  
16 him to come by the Boulder Police Department on his  
17 next visit to Boulder. Do you have any information  
18 about that in terms of, if true, why he would have  
19 made that contact?  
20 A When was that?  
21 Q I think Jane Harmer may have been involved  
22 in it, also. It was in, I want to say July of 1999,  
23 Chief, but I would have to go back to my notes. I  
24 clearly know it was 1999.  
25 A I think that was in relation to the grand

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1 jury investigation.

2 Q What role would Chris Wolf --

3 A See, I'm not sure I can talk about that.

4 I'm under order not to talk about grand jury stuff.

5 Q Did Tom Wickman work with the grand jury?

6 A Yes.

7 Q Jane Harmer?

8 A Yes.

9 Q As I understand it, the Boulder Police

10 Department does not have a polygraph polygrapher on

11 its staff?

12 A That's correct.

13 Q And were all of the polygraph examinations

14 performed in the Ramsey investigation done by FBI

15 examiners?

16 A I believe so.

17 Q Was there any input given to the Boulder

18 Police Department by the FBI as to who should or

19 should not be polygraphed?

20 A Not to me. I'm not aware of that during

21 my time on the investigation. I don't know if that

22 occurred prior to that.

23 Q You said the FBI had been involved since

24 early in the case?

25 A Yes.

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1 Q How would you describe the FBI's level of

2 involvement? Minimal, moderate, significant, heavy?

3 A I think they were moderately involved.

4 Q Would that be consistent throughout?

5 A Yeah, that was pretty consistent.

6 Q What was the basis of their jurisdiction

7 to be involved in what was a state homicide case?

8 A I think just as a consultant to us in the

9 case. It's pretty typical that the FBI will help

10 local jurisdictions on major cases.

11 Q Would you believe that three FBI agents

12 prior to April the 30th of 1997 would have stated

13 that the intruder theory in this case was baloney?

14 A Would that surprise me?

15 Q Yeah.

16 A No.

17 Q Why would that not surprise you?

18 A I think there is a lot of evidence that

19 would point to it not being an intruder.  
20 Q Right. But this is in the first few  
21 months of 1997 --  
22 A Um-hum.  
23 Q -- prior to John and Patsy even being  
24 formally interviewed on April the 30th --  
25 A Um-hum.

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1 Q -- it doesn't surprise you that a  
2 professional investigator before critical evidence  
3 has been examined and tested would reach that kind of  
4 conclusion; that doesn't surprise you?  
5 A Well, if they said it -- if you're telling  
6 me they said it in a manner of this is fact and there  
7 is no other possibility, then that would surprise me  
8 that they would say it as an absolute conclusionary  
9 statement; yes, that would surprise me.  
10 Q Was the F -- did the FBI ever provide any  
11 assistance to the Boulder Police Department in  
12 connection with its investigation of Chris Wolf?  
13 A You know, I'm not sure. I was not in --  
14 most of the team meetings that occurred, occurred  
15 before I arrived and so I'm not sure what all was  
16 discussed in those meetings.  
17 Q When you say the team meetings, you're  
18 talking about meetings between -- with the Boulder  
19 Police Department and members of the FBI?  
20 A Yes.  
21 Q The September 1997 meeting in Quantico,  
22 you were not involved in the case at that time?  
23 A No, I wasn't.  
24 Q Has it ever been brought to your attention  
25 that an agent, I believe by the name of Ken Lansing,

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1 of the FBI cautioned the Boulder Police Department  
2 that this -- they should keep an open mind that this  
3 could be a sexually related killing?  
4 A Lots of people have cautioned us in that,  
5 so --  
6 Q Has the FBI agents in fact cautioned you  
7 in that?

8 A I'm not sure what you mean by cautioned.

9 Q Just stated --

10 A Certainly in our discussions --

11 Q -- keep an open mind?

12 A -- sure, that's been part of our

13 discussions.

14 Q With the FBI?

15 A Sure.

16 Q Were you involved in the investigation

17 from an internal affairs standpoint of Detective

18 Mason?

19 MR. WOOD: I'll link this up for you in a

20 minute, Bob.

21 Q (BY MR. WOOD) As I remember, Mason was

22 investigated and I know there was a lawsuit and I

23 want to go -- Mason was investigated by internal

24 affairs because it was believed, at least that there

25 was some basis to believe, that he may have leaked

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1 confidential police information to the media, right?

2 A Yes.

3 Q Was it then and does it remain the policy

4 of the Boulder Police Department to appropriately

5 investigate any officer who is thought to have leaked

6 confidential police file information to the media

7 and, if found to have done so, to institute some form

8 of punishment or penalty?

9 A Are you saying is it now the policy?

10 Q Was it then and is it now?

11 A Yes.

12 Q Am I correct that if the Boulder Police

13 Department had learned, say, in September of 1997

14 that one of the officers on the Ramsey case had

15 provided confidential police file information about

16 the case to a journalist, that at a minimum, if

17 proven to be true or admitted to by the individual

18 officer, you would have expected at a minimum that

19 the officer would have been immediately removed from

20 that particular case?

21 A If it was proven?

22 Q Yes.

23 A Yes.

24 Q With the potential to even be discharged

25 from employment?

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1 A Potentially.

2 Q Has it ever been brought to your attention  
3 that Steve Thomas has admitted that he in fact met  
4 with Ann Bardach on four or five occasions and was  
5 her police source for the Vanity Fair article that  
6 was published in this case, including an admission  
7 that he provided her with the content of the ransom  
8 note, although he says he did not give a copy of it  
9 to her? If I tell you that as fact, would that be  
10 news to you?

11 A Some of it. I didn't know it was four to  
12 five times. That would be new to me.

13 Q Did he discuss the contents of the ransom  
14 note with her?

15 A You know, I don't recall hearing that  
16 specifically, that specific.

17 Q But if Steve Thomas had admitted to that  
18 information in September of 1997, he would have,  
19 having admitted to it, would have either -- he would  
20 have clearly been removed from the Ramsey case and  
21 may very well have been fired?

22 A May have been, yes.

23 Q But clearly without a doubt removed from  
24 the Ramsey case?

25 A You're asking me to answer for Chief Koby.

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1 At this time I was not chief of police.

2 Q Well, under your understanding of the  
3 setup as it existed then?

4 A I believe that would have happened, yes.

5 Q Because I think after Mason everybody  
6 understood that they were subject to internal affairs  
7 and potentially dismissal but absolutely removal from  
8 the case?

9 A I believe that would have happened, yes.

10 Q There -- former Detective Thomas, and I  
11 ask this because he is identified by Darnay Hoffman  
12 as the Boulder police detective who will be the  
13 primary witness on this case from the authorities  
14 standpoint in the Wolf case, Detective Thomas said

15 that he had a working briefcase at the time that he  
16 resigned in which he kept his working file papers  
17 that included his own reports and notes and then  
18 other reports and notes. I don't know if it included  
19 the master affidavit he refers to.  
20 And he said he turned that briefcase in.  
21 But he said he made copies of the materials. That  
22 would have been absolutely against department policy  
23 for him to keep copies of the materials, wouldn't it?  
24 A Not necessarily. Many officers will keep  
25 second copies of reports as working copies --

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1 Q In the event --  
2 A -- and then put the original in the file  
3 and then work off of their working copies and  
4 maintain those.  
5 Q But would that be true if they're leaving  
6 the force?  
7 A No, that should not occur if you're  
8 leaving and taking those with you.  
9 Q That's my point. When he resigned and he  
10 turned in his working papers and before he did it he  
11 said he made copies and kept them, that would be  
12 inappropriate then under the department guidelines?  
13 A Yes.  
14 Q And he would know that, your officers know  
15 that, don't they?  
16 A Yes.  
17 Q He then said that starting in January of  
18 1999 after it was learned that he was going to  
19 publish a book, that he started receiving anonymous  
20 packets of police reports on the JonBent Ramsey case  
21 from postmarks in Boulder and postmarks in Denver.  
22 And that over the course of time, he accumulated  
23 several hundred pages of Ramsey police reports from  
24 these anonymous sources. Have you ever heard  
25 anything about that before?

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1 A No. This is the first I've heard of that.  
2 MR. MILLER: Is this from his deposition?  
3 MR. WOOD: It is, it is.

4 Q (BY MR. WOOD) And the question I have is  
5 whether the universe -- there would be a fairly  
6 definable universe of individuals that could have  
7 done such a thing if it happened, I mean, I'm not  
8 asking you to believe Thomas and I'm not suggesting  
9 that I necessarily believe him. I would lean more  
10 candidly to thinking that he copied everything,  
11 thousands of pages, and nobody sent him anything but  
12 I don't know that. He has testified to the contrary.  
13 But the universe of people that could conceivably get  
14 their hands on Ramsey police reports in January and a  
15 few months thereafter in 1999 and copy them would be  
16 fairly limited but clearly definable, wouldn't it,  
17 Chief?

18 A Not necessarily. If somebody really  
19 wanted to go to that extent, they probably could have  
20 obtained copies.

21 Q But out of what universe?

22 A Probably detectives would be the most  
23 likely universe.

24 Q So again, fairly definable and I think if  
25 one might look at leak investigations, limited in

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1 number, fairly limited?

2 A Well, yeah, it's still -- you're still  
3 looking at 16, 18 people. That's still a pretty  
4 broad net.

5 Q Would you agree that the investigation of  
6 Chris Wolf was primarily -- by the Boulder Police  
7 Department was instigated and conducted primarily, if  
8 not almost exclusively,, based upon the initial  
9 information provided to you by Jackie Dilson? Is  
10 that the driving --

11 MR. MILLER: Could you restate the  
12 question, it sounded compound?

13 Q (BY MR. WOOD) The driving force behind  
14 why Chris Wolf was investigated clearly was Jackie  
15 Dilson and the information she initially provided; is  
16 that true?

17 A Well, certainly initially, yes.

18 Q And then a lot of it could have been the  
19 result of Chris Wolf's own decision for whatever  
20 reason not to cooperate in January of 1997?

21 A Sure.

22 Q He could have gotten himself out from  
23 under the umbrella potentially earlier had he decided  
24 to do differently than what he did in January,  
25 conceivably?

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1 A Conceivably.

2 Q You indicated the Ramsey investigators had  
3 provided you with some information about Wolf. Do  
4 you believe that the Ramsey investigators were a  
5 motivating driving factor for the Boulder Police  
6 Department's investigation of Chris Wolf?

7 A Are you including me in that question?

8 Q I guess I would have to. You're part of  
9 the investigation?

10 A I would say yes then.

11 Q Explain that to me.

12 A Well, when I came on, part of the job I  
13 had to do was review the case up to that point. And  
14 part of that was learning what had been done, what  
15 hadn't been done, what needed to be done. You know,  
16 we developed a whole task list of items to do and  
17 certainly taking, you know, a better look at Chris  
18 Wolf and getting some of the non-testimony evidence  
19 from him was one of those things that we needed to do  
20 and was put on that list.

21 Q But the need to get non-testimonial  
22 evidence from Chris Wolf was not a need developed  
23 because of information that the Ramsey investigators  
24 had given you, that was just a review of the umbrella  
25 list, so to speak, by you in a decision about what

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1 had not been done that you thought should have been  
2 done?

3 A Well, and I can't tell you that, you know,  
4 what pieces of evidence at that point or information  
5 came from what sources. I was getting it in a  
6 composite, not in a Jackie Dilson said this, so and  
7 so said this, Ollie Gray said this. It was a  
8 composite that I was receiving at that time so I  
9 couldn't tell you what was --

10 Q So you don't know whether the Ramsey --

11 any information provided by the Ramsey investigators  
12 had anything to do with your decision on Chris Wolf  
13 or the Boulder Police Department's decision with  
14 Chris Wolf?

15 MR. MILLER: I object to the  
16 characterization of the answer. I don't think that  
17 is what the witness testified to.

18 MR. WOOD: Well, he said I can't tell you  
19 what pieces of evidence at that point or information  
20 came from what sources. I was getting it in a  
21 composite, not a Jackie Dilson said this and said  
22 this, Ollie Gray said this, it was a composite.

23 Q (BY MR. WOOD) So as we sit here today,  
24 you can't tell me that you have knowledge of specific  
25 information provided by the Ramsey investigators back

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1 in 1997 or 1998 about Chris Wolf that became a  
2 driving factor in why the police department  
3 investigated him; is that fair?

4 A No, that's not fair. Certainly the  
5 information they provided that they had was a driving  
6 factor in continuing that, to investigate Chris Wolf.

7 Q What information?

8 A The composite information that we had  
9 about Chris Wolf.

10 Q What information --

11 A I don't have --

12 Q -- from the Ramsey -- how do you know the  
13 Ramseys gave you any information that was of any  
14 assistance to you?

15 A I'm not saying they did or didn't.

16 Q Maybe you're not understanding my  
17 question.

18 A Yeah, that could be.

19 Q In terms of being a significant factor,  
20 maybe that's a good term, in why the Boulder Police  
21 Department was investigating Chris Wolf in 1997 and  
22 1998 --

23 A Okay.

24 Q -- you don't know whether information  
25 provided by Ramsey investigators to the Boulder

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1 Police Department during that time period was a  
2 significant factor or not, do you?

3 A No, I don't.

4 Q Okay. What you know is that you had a  
5 composite of information from a variety of sources, a  
6 composite being such that when you came on board in  
7 October of 1997, you felt like Chris Wolf was a  
8 viable individual to be under the umbrella of  
9 suspicion somewhere in that six or seven category we  
10 talked about on my level of one to ten, ten being at  
11 the top. And you wanted a number of things done in  
12 terms of non-testimonial evidence and follow-up  
13 investigation about him that had not been done up to  
14 that point in time --

15 A Correct.

16 Q -- is that fair?

17 A That's fair.

18 MR. WOOD: Let me have -- hang on. Don't  
19 go off yet because I do want to cover one quick area  
20 with him.

21 Q (BY MR. WOOD) I've got a March 14, 2000  
22 article in the Denver Rocky Mountain News by John  
23 Ensslin, E-n-s-s-l-i-n. Do you know him?

24 A No. I know the name.

25 Q This is in connection with Lou Smit's

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1 giving some information to the public about the case.  
2 Again, the date is March 14, 2000. I think that  
3 coincides roughly with the release of the Ramseys'  
4 book. I'm going to read this and if you need to see  
5 this I'll be glad to let you see it.

6 Beckner said he was disturbed that Smit  
7 decided to talk about evidence in the unsolved case.

8 Quote, He's willing to go out and talk about his  
9 theory but, in so doing, he ignores a lot of other  
10 evidence, end quote, Beckner said.

11 Does that sound like something you would  
12 have said?

13 A Yes.

14 Q Is that an accurate quote?

15 A Yes.

16 Q You were saying that with respect to Lou  
17 Smit?

18 A Yes.

19 Q Would you also tell me that that is  
20 absolutely true with respect to Steve Thomas?

21 A Yes.

22 Q That he also is willing to go out and talk  
23 about his theory but in so doing, he ignores a lot of  
24 other evidence?

25 A I don't know if I would say a lot of other

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1 evidence, but I think he does ignore some other  
2 things in the case.

3 Q And it's not just some other things in the  
4 case because Steve Thomas has said that his book as  
5 such was based on the police file information as it  
6 existed up to the end of August of 1998 in  
7 combination with any public information that was  
8 released. And I think you have said on the record  
9 that there has been significant developments and  
10 changes and new information developed since August of  
11 1998 --

12 A Yes.

13 Q -- during the course of the grand jury and  
14 after the grand jury. Before Steve Thomas's book was  
15 published in August -- in April of 2000?

16 A Yes.

17 Q True?

18 A True.

19 Q We had the back and forth by letter about  
20 Katy Couric's comments that Chris Wolf was no longer  
21 under suspicion and I wrote this mean-spirited letter  
22 asking you to investigate and find out who in the  
23 world said that, that was in 2001. I had failed to  
24 do my job and realized that in 2000 you had actually  
25 said that publicly when you gave the quote about

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1 McReynolds and Wolf and Hoffmann-Pugh and Merrill  
2 that they were no longer actively under -- no longer  
3 active suspects.

4 I then asked you in another letter whether  
5 you had been the source for some information about  
6 urine on the bed sheets and I never did hear back

7 from you, on an NBC broadcast.

8 A So what is your question?

9 Q Were you the source for that information?

10 A No.

11 Q I think you have told me that you have  
12 never provided any information to a member of the  
13 media about the investigation under the condition of  
14 anonymity?

15 A That's correct.

16 Q And you have not yourself ever provided  
17 any confidential information about the law  
18 enforcement investigation to any member of the  
19 media --

20 A That's correct.

21 Q -- off the record?

22 A That's correct.

23 MR. MILLER: Well, wait a minute. Just so  
24 the question is off the record, right, I mean  
25 obviously he made press releases.

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1 MR. WOOD: Yes, that's why I added off the  
2 record.

3 MR. MILLER: Okay.

4 Q (BY MR. WOOD) You do know Bill Hagamaier?

5 A Yes.

6 Q And Bill Hagamaier has been involved in  
7 the case pretty much the entire time the FBI has  
8 been?

9 A Yes.

10 Q You made a statement in June of 1998 in a  
11 press release that said the question was, Do you know  
12 who did it?

13 And you said, answer: I have an idea who  
14 did it. What was the purpose in saying that?

15 A Well, I think part of the purpose is  
16 reassuring the public that we're not clueless about  
17 this case. And it's so you want to try to be  
18 truthful but at the same time you don't want to give  
19 out more information than you have to. And it's a  
20 fine line to walk.

21 Q And would it be fair to say that when you  
22 made the statement I have an idea who did it you  
23 weren't trying to focus on John and/or Patsy Ramsey,  
24 were you?

25 A I wasn't intending that to be necessarily

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1 the interpretation of that, but I wanted the public

2 to know, yeah, we had an idea.

3 Q Because in June of 1998, the next day in

4 an interview, you indicated that you all investigated

5 I think this article says 68 possible suspects. And

6 then you said. Quote, There are certainly less

7 people under the umbrella of suspicion now than there

8 were in October, Beckner said, quote, The umbrella is

9 not quite so big, end quote. There were still a

10 number of people under the umbrella of suspicion in

11 June of 1998, weren't there, Chief?

12 A Yes. Yes.

13 Q And it was more than just John and Patsy,

14 wasn't it?

15 A Yes.

16 Q You would concur with the statement that

17 you believe that sharing information about the

18 evidence in the case that is otherwise confidential

19 from a police officer's standpoint is unethical and

20 potentially disastrous to the police department's

21 ability to find justice?

22 A I would agree with that.

23 Q In the letter that you said that in in

24 effect, I paraphrased it, it was a letter to the

25 Daily Camera editorial, a letter to the editor,

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1 3/28/2000. Do you remember that?

2 A Yes.

3 Q You actually said "Unlike Mr. Smit and

4 others who have left the investigation I believe that

5 sharing information about the evidence is unethical

6 and potentially disastrous to our ability to find

7 justice."

8 You didn't name him but I think you would

9 certainly say that absolutely applied to Steve

10 Thomas, didn't it?

11 A Yeah.

12 Q And I think he would have been one of the

13 others who had left, right?

14 A Yes.

15 Q And then back in that March 16th, 2000  
16 article by Chris Anderson that we had shown you  
17 earlier about the not currently active suspects. You  
18 were quoted as saying, quote, The problem with it is  
19 he, and he refers to Lou Smit, ignores the other  
20 evidence in the case, end quote, said Beckner who  
21 believes Smit may have grown too close to the  
22 Ramseys. Quote, Some of the information he is using  
23 is not accurate, end quote.  
24 Do you do you remember that?  
25 A No, but --

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1 Q You don't disagree with making that  
2 statement, do you?

3 A No.

4 Q Would I also be right that you would apply  
5 that same statement to Steve Thomas in his public  
6 disclosures about this case and discussions --

7 A Read the whole thing to me again.

8 Q "The problem with it is he ignores the  
9 other evidence in the case, some of the information  
10 he is using is not accurate."

11 A Yes.

12 Q That would apply to Steve Thomas in your  
13 view?

14 A Yes.

15 Q True?

16 A True, in the sense that he does not have  
17 all the information that has been developed since  
18 that time.

19 Q Have you ever read his book?

20 A No, I haven't.

21 Q Was there ever during your time since  
22 October of '97 at any time period where any members  
23 of the Boulder Police Department were allowed to have  
24 screen savers that identified anyone including Chris  
25 Wolf as being the killer?

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1 A No.

2 Q If you had known that would you have

3 stopped it immediately?

4 A Yes.

5 Q It would have been totally unprofessional

6 and inappropriate, wouldn't it, Chief?

7 A Yes.

8 Q Do you recall an incident when the mayor,

9 Boulder Mayor Greenlee, got fairly upset at least

10 with Steve Thomas, maybe others, about Chris Wolf?

11 This would have been in February of 1998?

12 A No, I don't recall that.

13 Q This is, and I'm going to read to you from

14 my notes from what I believe are quotes from Steve

15 Thomas' book. It said an incident involving you and

16 Thomas where it starts off, Mayor Bob Greenlee wants

17 to ask you a few questions my boss Beckner said and

18 retreated to a chair. Detective, Mayor Greenlee

19 began all business, what do you know about Jackie

20 Dilson? He gave me no chance to respond. I had to

21 suppress a grin. I knew all about Jackie Dilson who

22 was a regular visitor to police headquarters with her

23 theory that her boyfriend probably murdered JonBent.

24 Greenlee said that he had personally met with

25 Ms. Dilson. Did you know, detective, that her

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1 boyfriend Chris Wolf had high tech boots?

2 I don't need to go on and on but do you

3 recall that incident taking place?

4 A Yeah, I recall the mayor coming over and

5 having some discussion about the case. I couldn't

6 recite it as specifically as you have, but I do

7 recall some conversation with Bob Greenlee.

8 Q The mayor had apparently gotten

9 information from Jackie Dilson and apparently was to

10 some level at least upset that there may be questions

11 about Wolf that had not been answered?

12 A I don't recall him being upset. I recall

13 him being inquisitive as to getting this information.

14 It was not unusual for politicians to call us and

15 say, hey, so and so told me this and pass it on or

16 want to know what we were doing.

17 Q Upset may be the wrong word. Thomas

18 described Greenlee's ruddy face as being tinged with

19 contempt and I stole a glance at Beckner who looked

20 away from him. Greenlee eventually ran out of breath

21 and let me speak.

22 A Well, I wouldn't characterize it that way,

23 but that's his interpretation I guess.

24 Q And Chris Wolf (sic) said we are

25 thoroughly investigating Chris Wolf?

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1 MR. MILLER: You've got that wrong.

2 Q (BY MR. WOOD) Well, here is what it says

3 is we --

4 MR. MILLER: You said Chris Wolf.

5 MR. WOOD: Oh, yeah, I'm sorry. And Steve

6 Thomas.

7 Q (BY MR. WOOD) Do you remember making a

8 statement to Mayor Greenlee, We are thoroughly

9 investigating Chris Wolf?

10 A Not specifically.

11 Q Do you believe that the Boulder Police

12 Department has thoroughly and completely investigated

13 Chris Wolf?

14 A Up to a point, yes.

15 Q Tell me what you mean when you say up to a

16 point.

17 A To the point where there is agreement that

18 he is not a suspect right now or under suspicion.

19 Q And there was -- I didn't ask this

20 although you may have told me the answer which tells

21 me the answer to this, but was there any forensic

22 test with respect to Susannah Chase which removed

23 Wolf from any level of suspicion in that case?

24 A Well, we do have DNA and we do have Wolf's

25 DNA so there would have been a comparison of the DNA

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1 in both. Once you have DNA in CBI it goes into a

2 database. So any case that comes in after that it's

3 automatically run against that database so you don't

4 have to go back and request every time that you want

5 every previous suspect you have had in a similar case

6 run against that DNA.

7 MR. WOOD: Okay. Let me get a couple

8 minutes with my lawyer here and then we'll see if

9 we're good to go.

10 VIDEO TECHNICIAN: We're off the record at  
11 approximately 1:08 p.m.

12 (Recess taken from 1:08 p.m. to 1:11 p.m.)

13 VIDEO TECHNICIAN: We're on the record at  
14 approximately 1:11 p.m.

15 Q (BY MR. WOOD) Chief Beckner, have you  
16 ever learned or been made aware that simultaneously  
17 with or perhaps even subsequent to the Boulder Police  
18 Department's investigation of Chris Wolf in  
19 connection with the JonBent Ramsey case that the  
20 Boulder district attorney's office undertook an  
21 investigation of Mr. Wolf as a suspect in connection  
22 with the case?

23 A What time frame are you talking about?

24 Q I think it would be in 1998 and perhaps  
25 even 1999. That's why I say subsequent,

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1 contemporaneously in part and perhaps even subsequent  
2 to the point in time where you felt like you had  
3 reached the point that he was no longer under the  
4 umbrella that the DA's office might have continued  
5 efforts to investigate him?

6 A No, because we were working as a team at  
7 that point and most of those -- all of those  
8 decisions were discussed as a team in terms of, you  
9 know, who we considered under suspicion, who needed  
10 more investigation, you know, whether we were  
11 satisfied with where we were at, those kind of  
12 things.

13 Q The district attorney's office concurred,  
14 did they not, its investigators and the involved  
15 personnel from the district attorney's office  
16 concurred that based on the information known that  
17 Chris Wolf was in fact a viable individual to be  
18 under the umbrella of suspicion, to be under  
19 suspicion in connection with the case?

20 A What time frame are you talking about?

21 It's been five years.

22 Q When you all were working together with  
23 them?

24 A Well, that covered a period of four years,  
25 so what time frame are you talking about?

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1 Q Just any time during that time period,  
2 that the Boulder district attorney's investigators  
3 concurred during that time period at some point  
4 that --

5 A Okay, yes.

6 Q -- Chris Wolf was an individual who should  
7 be considered as under suspicion in connection with  
8 the murder of JonBent Ramsey?

9 A Yes.

10 Q Whether the Boulder district attorney's  
11 office did any investigation beyond that done by your  
12 office, maybe, maybe not, you don't know?

13 A Well, again it depends on your time frame.  
14 If you're talking about prior to the second half of  
15 '98, because the team was reorganized in the summer  
16 of '98 --

17 Q Sure. When it went over to the grand  
18 jury?

19 A Reorganization took place. Then it was a  
20 different arrangement than what had been previously.  
21 We worked much closer together once the team was  
22 rearranged.

23 Prior to that, I think there was a  
24 parallel investigation going on.

25 MR. WOOD: I'm going to have to ask you

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1 all to give me a copy of this before I leave because  
2 it's my only copy that I brought. Let's mark this as  
3 Exhibit 7.

4 MR. MILLER: What is it?

5 (Exhibit 7 was marked.)

6 MR. WOOD: This is a letter and a packet  
7 of materials sent from Newsweek journalist Dan Glick  
8 to Alex Hunter in 1999.

9 MR. MILLER: Is it signed any place?

10 MR. WOOD: I think the letter on the  
11 second page is signed. Let me take a look here.

12 Yeah, I don't have a signature copy.

13 MR. MILLER: And it's not on letterhead,  
14 huh?

15 Q (BY MR. WOOD) That's my question is  
16 whether or not you have either seen that packet of

17 materials or whether such a packet of materials from  
18 Dan Glick was ever discussed with you by Alex Hunter  
19 on or after February of 1999?  
20 A Briefly looking at this, much of this is  
21 familiar; I don't know if I have actually seen this  
22 document before.  
23 Q If that document itself had been shared  
24 with you, would it be in the Boulder Police  
25 Department files or any parts of it?

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1 A It should be, yes, if it was given to us.  
2 MR. WOOD: Before I leave, I need a copy  
3 of that so I have it tomorrow.  
4 Q (BY MR. WOOD) Who made the decision to  
5 remove Chris Wolf from under the umbrella of  
6 suspicion?  
7 A It doesn't work like that where it's, you  
8 know, today you are, and tomorrow you're not. It's  
9 more of a transition that takes place over a period  
10 of time and there is no one person that says, okay,  
11 they are or they aren't. It just doesn't work that  
12 way.  
13 Q Just a collective unspoken type decision  
14 almost because there is nothing else to investigate?  
15 A Yeah, kind of. You know, in discussions  
16 and, you know, team meetings and such as far as  
17 whether to take a lead further or not, or what needs  
18 to be done, those decisions are made. And it's a --  
19 I think I gave you a time frame but that's a loose  
20 time frame. I mean there is no specific date where  
21 you could look at anything in our files and say today  
22 this person is under suspicion and tomorrow, on such  
23 and such a date, they're not. It doesn't work that  
24 way.  
25 Q In terms of making a statement under oath

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1 about the thoroughness of the Wolf investigation, in  
2 light of some of the issues we have discussed today,  
3 would you agree that you might be more comfortable  
4 deciding that upon a closer review of the file as it  
5 pertained to what was done or not done on Chris Wolf?

6 A Well, you've got to understand I'm  
7 answering these questions in generalities --  
8 Q Right.  
9 A -- because I'm not the person doing the  
10 investigation. You've also got the work that was  
11 done by the district attorney investigators in this  
12 case that were -- it's a composite of that as well.  
13 And a lot of faith in those investigators as well.  
14 So given that, I'm comfortable in that I  
15 haven't closed the door on looking at any new  
16 information that may come up on anybody in this case.  
17 We haven't closed the door on anybody in regard to  
18 that. So we're always open to that.  
19 Q Do you reach a point in time, though,  
20 where you're able to say that with respect to a  
21 particular individual, you have basically, barring  
22 new evidence or new information, exhausted your  
23 investigative efforts?  
24 A Well, again you've got to take that in  
25 context. You can always do more on every individual

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1 that is in that file. Someone can come up with  
2 something more you could have done. So no, you can't  
3 say with absolute positively there is nothing else  
4 that can be done on a certain individual. I don't  
5 think you can say that about anybody. At some point  
6 you just get to a point in your investigation where  
7 you have to say is this leading to anything that  
8 raises the level of suspicion of this person. And  
9 you make those decisions in an investigation all the  
10 time. Investigators do that, that's routine. That  
11 doesn't mean you close the door to any new  
12 information that may come forward, but certainly  
13 you've got to make decisions in any investigation as  
14 to where you're going to spend your time and your  
15 resources.  
16 Q In terms of the investigation now at the  
17 five-year, almost the five-year, mark with respect to  
18 Chris Wolf and any other individuals, I mean aren't  
19 you at the point with respect to everybody that you  
20 are with Chris Wolf that, barring new information,  
21 the level, an increased level of suspicion is just  
22 simply not going to occur with respect to anyone?  
23 Because I'm sure after five years you've done all the

24 tests you could possibly do that you know of at  
25 present, collected all the evidence you can possibly

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1 collect, interviewed as many people as you possibly  
2 could, aren't you at that point with everybody,  
3 including Chris Wolf?

4 A Okay. Ask me that again.

5 Q In terms of the investigation now at the  
6 five-year mark with respect to Chris Wolf and any  
7 other individual who either is or has been under the  
8 umbrella of suspicion, aren't you at the point that,  
9 barring new information, that you're not going to  
10 have the level of suspicion increased as to anyone  
11 from where it currently is, true?

12 A Understanding that people are at different  
13 places on that scale?

14 Q Sure.

15 A Yeah.

16 Q Whatever place they are on, barring new  
17 information, they're not going to move up at this  
18 point, you're at the point where you've done  
19 everything you know to do at this point; isn't that  
20 true?

21 A That's pretty true at almost any point in  
22 the investigation, people move or are lowered on that  
23 scale based on new information.

24 Q Yeah, but there are points in the  
25 investigation clearly where you have still got a task

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1 list of things that you want to do before you can  
2 make such a determination?

3 A And we're still doing some things; we  
4 still have some things that we're working on.

5 Q They haven't been done in five years?

6 A Yeah, that's true.

7 Q Would that involve new information about  
8 new people that has been brought to your attention,  
9 even in the last several months?

10 A Some of it has, yes.

11 Q Okay. Do you know of anything outstanding  
12 that has yet to be done on Chris Wolf?

13 A No, there is nothing outstanding at this  
14 time.  
15 Q How about with respect to the Ramseys?  
16 A (Answer inaudible due to simultaneous  
17 objection.)  
18 MR. MILLER: Objection.  
19 Q (BY MR. WOOD) After five years, you still  
20 have something you haven't done with respect to them?  
21 MR. MILLER: Object.  
22 Q (BY MR. WOOD) Anybody else, were there  
23 things outstanding with other individuals?  
24 MR. MILLER: Objection.  
25 Q (BY MR. WOOD) After five years? I'm just

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1 trying to get a general idea of where the  
2 investigation is.  
3 MR. MILLER: I know you are and that's why  
4 I'm objecting.  
5 MR. WOOD: Chris Wolf is part of the  
6 investigation.  
7 MR. MILLER: We've answered all the  
8 questions about Chris Wolf. You don't have a right  
9 to know where we are generally about the  
10 investigation.  
11 MR. WOOD: Absent a court order?  
12 MR. MILLER: Absent a court order.  
13 Q (BY MR. WOOD) Let me ask you a question  
14 then -- wait a minute.  
15 The answer is on here. I want to make  
16 sure the record is not confused. The question was I  
17 had asked you whether that involved new information  
18 about new people that had been brought to your  
19 attention even in the last several months.  
20 Answer: Some of it has, yes.  
21 Question: Do you know of anything  
22 outstanding that has yet to be done on Chris Wolf?  
23 Answer: No, there is nothing outstanding  
24 at this time.  
25 Question: How about with respect to the

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1 Ramseys?

2 Answer: The same.

3 Mr. Miller: Objection.

4 Mr. Wood: After five years you still have  
5 something you haven't done with respect to them?

6 Mr. Miller: Object.

7 Q (BY MR. WOOD) I'm not sure that you --  
8 what the same answer meant. Do you follow me because  
9 you didn't answer when I came back and asked you more  
10 specifically if there was anything outstanding to the  
11 Ramseys but you did answer, do you know of anything  
12 outstanding that has yet to be done on Chris Wolf?  
13 No, there is nothing outstanding at this  
14 time.

15 Question: How about with respect to the  
16 Ramseys.

17 Answer: The same?

18 MR. MILLER: I didn't remember him saying  
19 that.

20 MR. WOOD: I didn't either and that's why  
21 I wanted to go back and make sure this is clear.

22 MR. MILLER: I was pretty confident my  
23 interjection or my interjection of the objection  
24 preceded any response of the witness.

25 MR. WOOD: Let's make sure that we've got

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1 the record because I don't want it to be unfair to  
2 the Ramseys, and I don't think the Chief wants it to  
3 be unfair to the Ramseys.

4 Q (BY MR. WOOD) You're not willing to  
5 answer the question with respect to the Ramseys or  
6 anyone else as we sit here today about whether there  
7 remains anything outstanding that is yet to be done  
8 with respect to them?

9 MR. MILLER: That's right.

10 Q (BY MR. WOOD) You don't say, yes, there  
11 is or, no, there is not; is that right?

12 MR. MILLER: That is right.

13 A That's correct.

14 MR. MILLER: And I would say, I would just  
15 for the record say that at least to my ears, I didn't  
16 hear him utter the words the same.

17 MR. WOOD: I thought that I heard  
18 something that indicated there was still something to  
19 be done on the Ramseys and that's why I quickly said,

20 Do you mean after five years, but I think that going  
21 back I want to make sure the Chief didn't mean to say  
22 that. Because if he did, if you're willing to say it  
23 that there is something outstanding with the Ramseys  
24 then I think in fairness we ought to go through and  
25 see if there is anybody else out there that is in

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1 that same boat.

2 A No, we're not willing to say that.

3 Q To say it as to anybody?

4 A That's to answer that question.

5 Q Yes or no?

6 A Right.

7 Q I understand. Okay. Well, that clarifies

8 that.

9 MR. WOOD: Subject to our agreement the  
10 deposition at this point in time will be adjourned  
11 and down the road pursuant to our agreement, in the  
12 event we determine that there is a need to address  
13 other aspects of the investigation particularly as it  
14 would pertain to the Ramseys and perhaps other  
15 suspects or individuals, other than Chris Wolf, that  
16 we would then notify you and you would be given an  
17 opportunity to take the appropriate steps to litigate  
18 the issue of law enforcement privilege before the  
19 appropriate court. Hopefully we won't get there but  
20 obviously under our agreement we may need to. So the  
21 deposition is not completed but it's simply adjourned  
22 until that time.

23 MR. MILLER: Right. And I would just say  
24 for the record that the notice I would require is  
25 probably a couple weeks or so.

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1 MR. WOOD: I would be more than happy for  
2 you to have 30 days.

3 MR. FRICKE: What I would need --

4 MR. WOOD: I would give you 30 days'  
5 notice and say -- I need the deposition in 30 days  
6 and between that time period you can file whatever  
7 motion is appropriate.

8 MR. FRICKE: That's fine. Perfect.

9 MR. MILLER: That's the agreement we have  
10 on some other matters.  
11 MR. WOOD: Yeah, and I may ask you, Bob,  
12 in light of a couple of things that the Chief said  
13 today that by letter I might ask you with respect to  
14 Wolf whether you all would be willing to go back and  
15 have somebody pull the file and answer some specifics  
16 about forensic testing on Wolf that he was not able  
17 to remember. He said he might be able to get  
18 somebody to research it. I would like to reserve to  
19 send you something, it may not be lengthy.  
20 MR. MILLER: You can always send me a  
21 letter.  
22 MR. WOOD: Okay. Right. Thanks.  
23 VIDEO TECHNICIAN: This concludes the  
24 proceedings. We're off the record at approximately  
25 1:29 p.m.

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1 (The deposition recessed at 1:29 p.m.)  
2 I, MARK R. BECKNER, do hereby certify that  
3 I have read the foregoing transcript and that the  
4 same and accompanying correction sheets, if any,  
5 constitute a true and complete record of my  
6 testimony.

7

8

9

MARK R. BECKNER

10

Subscribed and sworn to before me this

11

day of , 2001.

12

My commission expires

13

14

15 Notary Public

16

Address

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Taken on 11/26/01

24 RE Wolf v. Ramsey

25

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1 STATE OF COLORADO)

) ss. REPORTER'S CERTIFICATE

2 COUNTY OF DENVER )

3 I, Kelly A. Mackereth, Certified Realtime

4 Reporter, Certified Shorthand Reporter, Registered

5 Professional Reporter and Notary Public within the

6 state of Colorado, do hereby certify that previous to

7 the commencement of the examination, the deponent was

8 duly sworn by me to testify to the truth.

9 I further certify that this deposition was

10 taken in shorthand by me at the time and place herein

11 set forth and was thereafter reduced to typewritten

12 form, and that the foregoing constitutes a true and

13 correct transcript.

14 I further certify that I am not related

15 to, employed by, nor of counsel for any of the

16 parties or attorneys herein, nor otherwise interested

17 in the result of the within action.

18 In witness whereof, I have affixed my

19 signature this day of ,

20 2001. My commission expires 4/21/03.

21

22

Kelly A. Mackereth

23 Certified Realtime Reporter

Certified Shorthand Reporter

24 Registered Professional Reporter  
and Notary Public  
25