



Federal Judge: 'No Evidence' That Ramseys Killed JonBenét

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Through the prism of a defamation suit, a federal judge in Atlanta has examined the 1996 murder case of 6-year-old Colorado beauty queen JonBenét Ramsey and determined there is "virtually no evidence" to support theories that her parents killed her.

U.S. District Judge Julie E. Carnes, a former federal prosecutor, ruled that there is "abundant evidence" to support assertions by JonBenét's parents, John B. and Patricia P. "Patsy" Ramsey, "that an intruder entered their home at some point during the night of Dec. 25, 1996, and killed their daughter." The Ramseys buried their daughter in Marietta, Ga., and now live in the Atlanta area.

Carnes' order stems from a 2000 case filed in U.S. District Court in Atlanta by Robert Christian Wolf, a Boulder, Colo., journalist who has written for *Colorado Daily* and *The Boulder County Business Report*. Wolf, who had been questioned by Boulder police as a potential suspect in JonBenét's murder, sued the Ramseys. He claimed that Patsy Ramsey and her husband, as a way of directing police suspicion away from Patsy, had hired private detectives to investigate Wolf and others "in the hope of encouraging the authorities to arrest the plaintiff for the murder of her daughter."

The Ramseys did so, Wolf contended, because they have been "under an umbrella of suspicion" since shortly after John Ramsey found his daughter's body in the basement of their Boulder home on Dec. 26, 1996. After a 13-month investigation, a Boulder County grand jury in 1999 declined to indict the Ramseys, but also declined to clear them.

In his complaint, Wolf also claimed that although he had "been cleared of all suspicion by authorities" in JonBenét's death, the Ramseys named him as a suspect in their book, "The Death of Innocence: The Untold Story of JonBenét's Murder and How Exploitation Compromised the Pursuit of Truth."

According to Wolf's complaint, the Ramseys knew he was not a legitimate suspect because Patsy Ramsey had "either accidentally or intentionally" killed her daughter and then carried out "an elaborate and transparent attempt to cover up her crime." Wolf also claimed that John Ramsey soon became aware of what his wife had done and attempted to direct suspicion away from her by hiring private detectives to investigate him and dozens of other alleged suspects.

On March 31, Carnes dismissed the case against the Ramseys on a motion for summary judgment. Noting that if Wolf could not prove "by clear and convincing evidence" that his theory that the Ramseys killed their daughter was true, "he cannot demonstrate that their statement concerning his status as a suspect was made with the requisite malice."

Carnes wrote, "Indeed, [the Ramseys] arguably understated the police department's interest in [Wolf]. Since 1997, [Wolf] has been a longstanding suspect of both the Boulder Police Department and the Boulder County District Attorney's Office in the murder investigation."

In her 93-page dismissal order, Carnes evaluated evidence that the Ramseys, Patsy Ramsey in particular, were responsible for their daughter's slaying. In her analysis, Carnes sharply criticized the botched investigation that followed the discovery of JonBenét's body; accused Boulder police of using the media to target the Ramseys; and stated that the Ramseys, despite widespread criticism to the contrary, attempted to cooperate fully with detectives investigating their

daughter's murder.

The federal judge also censured former Boulder Detective Steven Thomas, who has written a book about the slaying theorizing that Patsy Ramsey was the killer, and New York attorney Darnay R. Hoffman, a frequent television commentator who represented Wolf in this case. Finally, Carnes noted in her order that Wolf remains a suspect in JonBenét's murder.

A VICTORY 'FROM A TO Z'

It is the first time that a judge has reviewed all the evidence pertaining to JonBenét's murder and released a public analysis of the case, said the Ramseys' Atlanta attorney L. Lin Wood Jr.

"I just find it, from A to Z, a total, unequivocal victory for John and Patsy Ramsey," Wood said. "The court has done what I've urged the public to do from day one. Look at the evidence. ... If you look at the evidence, you will reach the same conclusion Judge Carnes reached. This is a family that has been horribly and wrongfully accused of the murder of their child." Wood said that since Boulder County District Attorney Mary W. Keenan took office, she has rejuvenated the investigation into JonBenét's murder. Characterizing Keenan's investigation as "very active," Wood said investigators "are doing things in that case that have never been done before," including testing foreign, male DNA that was found in JonBenét's underwear.

Information compiled by the Ramseys' own investigators also has been turned over to Keenan, Wood said. "We have reached a point where the Ramseys are getting what they wanted all along: an independent, objective, skilled investigation into the murder of their daughter." James C. Rawls, a partner at Powell, Goldstein, Frazer & Murphy, who was co-counsel with Wood, said Carnes' order "was courageous. ... There will be folks in Colorado, and perhaps elsewhere, who have a stake in the outcome and will be critical of this. ... This decision in this case does mean that Boulder police got it wrong."

Rawls and two Powell Goldstein associates, Eric P. Schroeder and S. Derek Bauer, joined the defense of the Ramseys in 2001 at the request of the couple's Nashville publisher, Thomas Nelson & Co. and its insurance company. Rawls said that in the course of the litigation, "We became totally convinced of the Ramseys' innocence and the fact that they had really suffered from, of course, the loss of their daughter and from the devastating publicity stemming from the Boulder police."

Carnes' ruling is significant, he said because the Ramseys "have never been accused of a crime formally. They have never been arrested. They have never been indicted. But thanks to Boulder police, they have been said to be the primary suspects."

Asked via e-mail and voice-mail to comment on Carnes' ruling, Hoffman responded in a brief e-mail by attaching two exhibits filed during the litigation. One was an article published in *The Rocky Mountain News* regarding Keenan's renewed investigation and her decision not to discuss it publicly. The second was a handwriting analysis submitted by Hoffman's experts, whose credibility Carnes neatly eviscerated in her order.

Early in her order, Carnes noted that Wolf's allegations mirrored those of Thomas, the former Boulder detective assigned to JonBenét's murder investigation from January 1997 through June 1998. He subsequently left the Boulder Police Department and co-authored a book, "JonBenét: Inside the Ramsey Murder Investigation," in which he laid out his theory that Patsy Ramsey wrote the ransom note claiming her daughter had been kidnapped to cover up the murder.

Patsy Ramsey, according to that theory, discovered that JonBenét had wet her bed and grew so angry that, while in her daughter's bathroom, she "slammed" JonBenét's head against a hard surface, possibly the tub, and inflicted a fatal head wound. Then she staged the kidnapping, strangulation and sexual assault of her daughter to hide the crime.

Carnes's order scoffed at that scenario, dismissing it as "merely speculation." "In Mr. Thomas's scenario, rather than being grateful that her child was alive, Mrs. Ramsey nevertheless decided to finish the job off by fashioning a garrote from one of her paintbrushes, looping the cord around the girl's neck, and then choking JonBenét to death."

She also was critical of suggestions by the plaintiff that Patsy Ramsey's depression over a shaky marriage may have prompted her to kill her daughter. "Although plaintiff presents such evidence in support of his theory ... if accepted as true, [it] cuts against plaintiff's theory that Mr. Ramsey assisted his wife in the 'cover-up' of JonBenét's murder. In other words, if the marriage was shaky, it arguably seems less likely that the innocent spouse would help the guilty spouse cover up her murder of their child."

CRIME SCENE 'COMPROMISED'

Carnes also criticized Boulder police, saying that "a series of events compromised the crime scene" and that its officers, including Thomas, had little or no experience in homicide investigation.

In addition, police adopted a suggestion by the FBI "to publicly name [the Ramseys'] as suspects and apply intense media pressure to them so that they would confess to the crime." The police department's attempt to "smoke out" the Ramseys as their daughter's killers utilized the media as a tool, according to Carnes' order. "In addition to this intentional use of the press, a number of leaks of confidential information, at various stages of the murder investigation, served to hamper the ability of the Boulder Police Department to conduct an effective investigation into the crime."

Indeed, "many people have attempted to capitalize on and profit from the widespread interest in JonBenét's murder," Carnes' order stated, among them, Wolf, who attempted to secure his own book deal, and Thomas, "the chief theorist behind [Wolf's] claims." Wolf, the order pointed out, "has appeared before the media and profited from discussing and critiquing the murder investigation."

Although in his complaint Wolf alleged the Ramseys defamed him by suggesting he was a suspect, he gave an interview in 1997 to the television show "Hard Copy" "in which he claimed to be a suspect." He was paid \$5,000.

Hoffman, Wolf's attorney, also insinuated himself into the Ramsey murder investigation early on, Carnes' order noted. As early as March 1997, Hoffman wrote a letter to then-Boulder County district attorney Alex Hunter suggesting that the Ramseys had killed JonBenét.

"The Boulder authorities did not take Mr. Hoffman's unsubstantiated theories seriously and considered much of his submissions to be 'off the wall,'" Carnes' order stated.

In mid-1997, Hoffman began soliciting handwriting experts to tie Patsy Ramsey to the ransom note. Carnes rejected one's being an expert because "she is not qualified to provide expert testimony ... has never taken a certification exam, completed an accreditation course in document examination, or been an apprentice to an ABFDE [American Board of Forensic Document Examiners] certified document examiner or worked in a crime lab."

Carnes also discounted testimony of a second handwriting expert recruited by Hoffman, ruling that he offered "no hint of the methodology" he used in determining that the ransom note "with 100 percent certainty" was written by Patsy Ramsey.

Hoffman also began filing a series of suits in Colorado, New York and, finally, Atlanta, sometimes on his own behalf, and sometimes on behalf of others. One suit filed in Colorado attempted to force the Boulder County district attorney to explain why he had not charged the Ramseys with murder. According to Carnes' order, the Ramseys did attempt to cooperate with law enforcement authorities investigating their daughter's death. "During the course of the investigation, defendants signed over one hundred releases for information requested by the police, and provided all evidence and information requested by the police."

Carnes added, "Despite widespread criticism that defendants failed to cooperate in the murder investigation, defendants note that they agreed, on at least three occasions, to be interviewed separately by representatives of the police and of the Boulder County district attorney's office."

PROOF OF AN INTRUDER

Carnes' order also lists a series of largely uncontested facts that suggest an intruder entered the Ramsey home and murdered JonBenét. Among them:

- At least seven windows and a door in the Ramsey home were found open or unlocked after JonBenét disappeared. The alarm was off and windows were accessible from the ground level, including three that opened into the basement.
- Evidence suggested that an intruder climbed through a basement window and walked through the room where JonBenét was found.
- JonBenét's body was bound with complicated rope slipknots and a garrote that the order described as "sophisticated bondage devices" by someone "with an expertise in bondage." No evidence suggests the Ramseys knew how to tie such knots.
- Black duct tape found on JonBenét's mouth was never found in the Ramsey home, although evidence suggested "it came from a roll of tape that had been used before."
- Nothing in the Ramsey home matched dark animal hairs found on the duct tape and JonBenét's hands.
- Newly made, unidentified shoeprints, including one with a HI-TEC brand mark, were found on the basement floor. None of the Ramseys' shoes matched those prints.
- A palm print on the wine-cellar door where JonBenét's body was found does not match the Ramseys' palm prints and has never been identified.
- A baseball bat found outside the house with fibers consistent with fibers found on the carpet in the basement where JonBenét's body was found did not belong to the Ramseys.
- Brown cotton fibers found on JonBenét's body, the paintbrush used as a garrote, the duct tape and the ligature around her neck did not match anything in the Ramsey home.
- Male DNA found under JonBenét's fingernails and in her underwear does not match that of any Ramsey and has not been identified yet.
- A pubic hair found on the blanket covering JonBenét's body did not match that of any Ramsey.
- Injuries found on the child's body are consistent with the use of a stun gun, according to a forensic pathologist. The Ramseys swore they had never owned or operated a stun gun and none was found in their home. Carnes cited testimony by A. Louis "Lou" Smit, a homicide detective originally hired by the Boulder Police Department to investigate JonBenét's death but who later began working for the Ramseys. Smit has said he believes JonBenét was subdued by a stun gun.

Carnes reserved special criticism for Thomas, the former Boulder detective upon whose theories the Wolf complaint was based. "Whereas Detective Smit's summary testimony concerning the investigation is based on evidence, Detective Thomas' theories appear to lack substantial evidentiary support," she wrote.

"Indeed, while Detective Smit is an experienced and respected homicide detective, Detective Thomas had no investigative experience concerning homicide cases prior to this case. In short, the plaintiff's evidence that the [Ramseys] killed their daughter and covered up their crime is based on little more than the fact that defendants were present in the house during the murder," Carnes wrote.

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