

Justice, Boulder Style

JULIET WITTMAN | OCTOBER 19, 2000 | 4:00AM

Patsy Ramsey: *I want you to look at me and tell me what you think happened.*

Steve Thomas: *Actually, I'll look you right in the eye. I think you're good for this. I think that's what the evidence suggests.*

-- *Larry King Live*, May 31, 2000

For Steve Thomas, an experienced officer who joined the Boulder Police Department in 1991, the town's system of justice came as a shock. His recent book on the Ramsey case, *JonBenét: Inside the Ramsey Murder Investigation*, describes a corrupt district attorney's office and a police department split between a few remaining old-line cops and a new-age chief whose motto was "Police unto others as you would have them police unto you."

Boulder District Attorney Alex Hunter is stepping down after 28 years in office, and his successor will be determined in next month's election, when **Mary Keenan, who has worked in Hunter's office for fifteen years, faces Republican challenger Dave Sanderson**. Keenan is expected to win the race, and Thomas, who now lives in Arvada, says he has little hope for significant change in justice, Boulder style.

"I'm not a resident of Boulder County," he says. "It's not my fight anymore. But I think should someone from within that office inherit the throne, nothing will change. It will be the same dynasty that we've seen for three decades, the same miserable failure of justice in Boulder."

Thomas was the lead investigator on the Ramsey case. He left the Boulder Police Department in August 1998, writing in his letter of resignation that Alex Hunter's office had crippled the investigation. In his book, he expands upon these accusations. He also lists the evidence that he believes points to Patsy Ramsey's guilt.

Thomas was the first member of his family to become a cop. His mother died when he was seven, and his father, who was constantly on the road raising funds for the March of Dimes, moved the family from Arkadelphia, Arkansas, to Dallas, Texas. Thomas and his three sisters were raised by a black nanny, Lee Bass. It was Bass, Thomas says, who taught him that all people are equal. This was a lesson that haunted him during his work on the Ramsey case, as he watched the Boulder legal establishment tiptoe around the multimillionaire family. And it stood him in good stead when -- after publication of his book -- he faced off on national television with the Ramseys themselves and with such famed defense experts as Alan Dershowitz.

Two of Thomas's maternal uncles were naval officers, and from the time he was small, he had planned to enter the Navy -- though he does remember being transfixed by a visit from a police officer to his high school civics class. "This guy was such a hero in my eyes," he says. At the University of Arkansas, Thomas discovered that he had a vision defect that would rule out a Navy career, and his interest in law enforcement deepened. At the same time, he came across Norman Mailer's *The Executioner's Song* and read it over and over again. "I did a paper and some oral reports on that book," he says. "I carried it around in my backpack."

Mailer's book details the life and death of Gary Gilmore, who was released after many years in prison and promptly killed two young Mormon men. Gilmore was tried in Salt Lake City and sentenced to death. At the time, there had been a moratorium on capital punishment in America for over twenty years, but "Gary Gilmore challenged the government," Thomas says. "He said, 'You've imposed the death penalty upon me. I demand that you carry it out.'"

The book made Thomas an opponent of capital punishment. "This was the first time in my life that a prisoner became a human being to me," he says. "Regardless of what he did, this wasn't a monster with three eyes." But the book also made him more interested in the justice system.

Thomas transferred to the University of Colorado, where he studied sociology with an emphasis on criminology. As part of his field experience, he rode with cops from the Denver and Aurora police departments. In a term paper, he described the different kinds of cop he met. "I talked about the Cowboy Cop, the Social Worker Cop, the Burned-Out Cop," he remembers. "I was trying to draw what I saw as the best from each of them. It's so easy in police work to get in a patrol car and do nothing but drive around for ten hours and answer your occasional radio call. Good cops -- the real hustlers -- were the guys that, when they didn't have a call to respond to, were out looking for bad guys, trying to pick up fugitives on warrants. They were cruising the alleys and East Colfax, looking for suspicious cars, people that matched robbery descriptions. And these were the guys who were consistently making an extraordinary number of arrests, recovering stolen guns, getting dope off the street."

No one goes into police work for the pay or the popularity. "If you want the public to love you, become a fireman," he says. "Cops only respond to people when they're at their absolute worst. People don't call 911 to say, 'Hey, come and celebrate this birthday party with me.'"

Thomas's experience on the streets and his conversations with cops soon tempered his opposition to the death penalty. "They'd say, 'You do this job for a few years, and you see what human beings are capable of doing to other human beings,'" he remembers. "These people don't belong in this society."

At the same time, Thomas became concerned over the unequal application of capital punishment: "In this country, capital punishment simply means if you don't have the capital, you get the punishment," he says. "Why are we so disproportionately executing black and poor people?"

"One of the first things they teach you in the police academy is the concept called 'equal application of the law' -- that as a sworn law-enforcement officer I apply the law equally to my father as I do to, say, Patsy Ramsey. It always bothered me that some of these same prosecutors who taught in the police academy seemed to suspend that precept for this particular case. Name me one other case in which a poor defendant was afforded such access to the case files, such access to CBI forensic evidence results, such access to all elements and aspects of what was supposed to be an ongoing criminal investigation."

After college, Thomas signed on with the Jefferson County Sheriff's Department, where he started working in the jail. It was, he says, a tremendous learning opportunity. "You're responsible for 48 maximum-security inmates, you don't carry a gun, and you have to rely on your powers of communication and reasoning to get people to do what you want them to do...There were some very, very hardcore people there, scary people. And most of the people they hire into police work, they don't have a lot of life experience. They've never been punched before; they've never been in a fight."

The inmates, meanwhile, tend to be "bored as hell sitting in the dayroom playing cards all day, and they'll tell you about their greatest scams, their best burglaries, how they get into a house, out of a house, what their tattoos mean. And then, when you get out on the street and see all that, you can separate the real thing from the bullshit."

In 1988, Thomas went to work for the City of Wheat Ridge and became an undercover narcotics detective. "They give you an undercover car. They give you a big flashroll of money, and basically your job is to go out and broker drug deals," he says. "I guess there were times, in hindsight, where you think, boy, that was really dangerous. I can remember a couple of stings where I was wearing a wire and the bad guys told me, 'Take off your shirt,' and the guys are in the van listening. Unless they get the bust signal from you, they're not going to come in. And I've been able to talk my way out. In one particular case, I had a T-shirt on and then a sweatshirt, and I had the wire taped between the two shirts, so when they grabbed me, they saw nothing but skin. The best defense is a good offense, so I pushed them back and got very indignant. And then later you think, had these guys found the wire on me -- this was an ongoing cocaine undercover -- it would have been very bad."

Thomas laughs; he thoroughly enjoyed the undercover job. During his time in Wheat Ridge, he also received a medal for rescuing an elderly couple from a burning building.

Then came the offer from Boulder. Thomas accepted it and -- as he puts it -- stepped through the looking glass.

In Boulder, Thomas says, cops were encouraged to crack down on students holding cups of beer or bags of marijuana while turning a blind eye to much larger drug deals. "I remember at one point, in a ninety-day period in the early '90s, there were six heroin overdoses, three or four of which resulted in death," he says. "There is so much dope in Boulder!"

After a sting in which he arrested several prostitutes and some pimps and found money, cocaine and guns, Thomas remembers, city officials insisted there was no prostitution problem in Boulder, and further stings were discouraged.

And even when Thomas was able to make arrests, all too often the DA's office cut deals for the perpetrators. When he protested a plea, Thomas remembers, prosecutors would ask him why he wanted to "ruin somebody's life."

The job did have some high points. Thomas found himself guarding famed author Salman Rushdie when he came to Boulder for a conference. The Iranian clergy had issued a call for Rushdie's death because of his novel *The Satanic Verses*, and the writer was living underground. Local police hid Rushdie in a house in the mountains and brought his family in to visit him. "Here he is talking to me, just a blue-collar cop, at one o'clock in the morning," says Thomas. "He was a very genuine, decent man. He said, 'I am a writer of a work of fiction, and because of this, I live in constant fear of assassination.'"

Thomas was involved in two shootings in Boulder. The first took place in 1992, when he got a call that a man was walking down Folsom Street carrying weapons and shouting, "I'm gonna kill all the niggers." Thomas caught up with the man at Folsom and Arapahoe; there were already some officers present, and the street was crowded. "This guy is holding two big butcher knives," says Thomas. "Long hair. He just has these wild eyes. And screaming, 'Get President Bush out here, because somebody's going to die today.'"

"It starts moving south on Folsom, and for some reason he fixates on me. There's several officers now, maybe five, but you can't control an armed suspect with butcher knives, and what we were trying to do was just keep a semi-circle round him as he moves down the sidewalk. He keeps feinting and starting toward me with these knives, and at one point he closes the gap too quickly and gets closer than I'm comfortable with him coming -- there's this rule in police work that if a suspect with an edged weapon comes closer than 21 feet, he can close that distance faster than you can get off two rounds -- and I shoot him. The first round enters and exits through the hip/groin area, and not only did he not flinch, but I thought my gun didn't go off. But then I realized I had shot him, and you know what this guy did? He looks at me and says, 'No. No. Not here...'" Thomas points toward his own hip, then his forehead. "'Put one right there.'

"You know in the movies, they show the police shooting somebody and they flip over backward? Here's this guy -- it didn't even look like a bee had stung him, and he'd just taken a through-and-through round with a .45 caliber. So he continues to move south, and there's a sergeant there who's calling for a dog, and there's officers shouting at this guy..."

Thomas stops, shakes his head. "Only in Boulder," he says. "They must have thought it was a movie being filmed. I think anywhere else, once the shooting started, people would have taken cover. But people are coming out of the 7-Eleven with Slurpees, people are walking by married-student housing shouting, 'You fucking pigs. Leave the guy alone.'

"He starts to charge at me again. I fire another through-and-through round. He doubles over, looks right at me and says, 'That one hurt.' I ran up, knocked him to the ground, and this bleeding, slippery, psychotic suspect is still fighting."

Eventually, the man was handcuffed and taken away in an ambulance.

After this incident, a police committee nominated Thomas for a medal of valor. But the nomination was blocked by then-police chief Tom Koby, who said he refused to recognize a police officer for using deadly force against a citizen.

Thomas's second shooting occurred in 1993, when an armed man barricaded himself inside a trailer, having already shot at his wife and daughter. He came outside several times, pointing his gun to his own head and chest. When he pointed the gun at Thomas, Thomas shot him. Immediately afterward, rather than talking to the cops about what had happened, Chief Koby went to the hospital to visit the suspect.

John Ramsey: This man has harmed us deeply. He's failed in his responsibilities as a police officer. He's failed us. He's failed JonBenét. He's failed the community of Boulder.

-- Larry King Live

Thomas worked the Hill for three years before going into undercover narcotics. He was still long-haired and bearded when he was called in on December 28, 1996, to help solve the murder of JonBenét Ramsey, the six-year-old whose body had been discovered in the basement of her family home two days earlier. By the time Thomas entered the case, the crime scene had been almost irretrievably contaminated.

Dozens of people had walked through the Ramsey house. Key evidence -- the pad of paper on which a long, rambling ransom note was written, a suitcase in the basement -- had been handled and moved. John Ramsey, who'd found the body, had ripped off the tape covering her mouth and carried her upstairs; in the living room, both parents had hugged the body, which was then covered with a blanket. If the circumstances hadn't been so grave, the extent of the law-enforcement bungling might have seemed comic.

At one point, according to Thomas's book, a crime-scene tech dusted the Ramsey home for fingerprints while a victims' assistant followed behind, busily tidying up with spray cleaner and cloth.

Even as Thomas and his fellow officers struggled to retrieve what evidence was left and to put a viable case together, other obstacles appeared. Eventually, they would prove insurmountable. Two salient facts became apparent almost immediately: The Ramseys would not cooperate with the police investigation, and the Boulder County District Attorney's Office would be more supportive of the Ramseys than of its own police team.

As Thomas describes it, John and Patsy Ramsey began lawyering up within a day of the discovery of their daughter's body. On December 26, the couple went to the home of friends, where they were joined by another friend, Mike Bynum, a prominent local lawyer who had once worked in the district attorney's office. By the next day, a three-person team hired by the Ramseys had already interviewed the Ramseys' close friends Fleet and Priscilla White.

On December 27, when police arrived to schedule interviews with the Ramseys, Bynum was again present. John Ramsey said little; the family doctor told police Patsy was too overwhelmed to see them. On December 28, prosecutor Pete Hofstrom informed the cops that there would be no Ramsey interviews because the Ramseys were leaving for Atlanta. The Ramseys had gone to the criminal justice center that day and given such non-testimonial evidence as fingerprints and blood and hair samples; Hofstrom suggested the police fax their questions to the family. On New Year's Day, the Ramseys appeared on CNN to proclaim their innocence.

Steve Thomas's theory about what happened in the Ramsey home is just that: a theory. But the facts he marshals do make a convincing, if circumstantial, case for Patsy's guilt. He believes JonBenét's death may have been accidental, the result of a bed-wetting incident during which her head was slammed against something hard. Police saw a box of pull-up diapers hanging halfway off a cabinet shelf outside the child's bedroom and a balled-up red turtleneck on the bathroom counter. Patsy had said JonBenét was put to bed in a red turtleneck; the body was found in a white shirt with a sequin star on the front. Under this scenario, the garrote, the bound hands and the placement of the body in the basement were essentially staging, intended to cover up the nature of JonBenét's death; the duct tape appeared to have been placed over her mouth after she died. Although it has been the subject of hot dispute, no one has determined whether JonBenét's death was caused by strangulation from the garrote or the massive blow to her head; either injury would have been fatal by itself.

The garrote was made with the broken handle of Patsy's paintbrush. The Colorado Bureau of Investigation tested red acrylic fibers found on the duct tape covering JonBenét's mouth and said they were a "likely match" for Patsy Ramsey's blazer. Beaver hairs were also found on the tape, but police were unable to obtain permission from the DA's office to get Patsy's fur coat and boots for testing.

There were no fingerprints on the ransom note, but the tablet on which it was written was Patsy's, and it bore her fingerprints. On the same tablet, there was also what appeared to be a practice note. Both parts were written with a Sharpie pen that was then replaced in its holder in the Ramsey kitchen. Many experts examined the note's handwriting and were unable to rule out Patsy as the author. At least one named her unequivocally.

The Ramseys have said that police were too quick to focus on them, ignoring the possibility that an intruder came into the house and killed their daughter. In the months and years following JonBenét's death, they have mentioned several possible suspects, including their housekeeper, Linda Hoffman-Pugh; a former nanny; a onetime Accent Graphics worker whom John Ramsey had fired; Fleet and Priscilla White (named after Fleet confronted John Ramsey in Atlanta and told him he should be cooperating with the investigation); a neighboring couple -- he palsied and she suffering from Alzheimer's disease; a local reporter whose girlfriend said he'd behaved strangely when he heard about the murder; Jay Elowsky, a Boulder restaurateur who allowed the Ramseys to stay in his house to avoid the press and, in his zeal to defend their privacy, once came out swinging a baseball bat; and -- most famously -- Bill McReynolds, a retired journalism professor who had attended Ramsey holiday functions dressed as Santa Claus. At the time of the murder, McReynolds was still recovering from the heart surgery he'd had four months earlier.

The DA's office pressed McReynolds relentlessly, even after police concluded he had not committed the crime. Two years after the murder, prosecutor Trip DeMuth had McReynolds tailed and sent police to retrieve some cord McReynolds had been seen using, Thomas says. Santa Bill was also grilled by Deputy District Attorney Mary Keenan. The experience "was the worst thing I've ever been through," says McReynolds, who has since left Colorado with his wife, Janet. "I thought about suicide."

Every suspect named by the Ramseys spoke willingly with police.

Boulder police had been skeptical about Alex Hunter's office long before the murder of JonBenét Ramsey. "Some of us felt you almost had to have a videotape of a murder, a full confession and an affidavit from the victim to get a homicide case to go forward in Boulder," Thomas wrote in his book. The skepticism proved justified in the Ramsey case. Boulder prosecutors refused to authorize routine warrants for such things as credit card receipts and phone and banking records. They allowed the Ramseys' lawyers to dictate the conditions under which evidence would be tested. They hemorrhaged confidential information to the Ramsey team and to journalists. According to both Thomas and Lawrence Schiller, Hunter himself developed a friendly relationship with tabloid reporter Jeff Shapiro, then working for the *Globe*. He gave the reporter inside information. And in an astonishing departure from normal ethical practice, he offered Shapiro access to the personnel file of John Eller, the commander overseeing the Ramsey case; Eller's zeal apparently troubled Hunter.

Hunter referred to John Ramsey as "Big John." According to Thomas, the two prosecutors on the case, DeMuth and Hofstrom, spoke more than once of "building trust" with the Ramseys. When the CBI asked in January for another sample of Patsy Ramsey's handwriting, Hofstrom had her come to his home and write the sample at his kitchen table.

Eventually, Hunter brought in highly respected Colorado Springs investigator Lou Smit to work on the case. Within 72 hours of coming on board, Smit said he didn't think the Ramseys were guilty.

As police and DA investigators argued endlessly about footprints in the snow or their absence, unidentified palm prints, scuff marks, spiderwebs that may or may not have been disturbed, a Hi-Tech boot print and unidentifiable DNA, police were directed by Hunter's office to interview all friends, neighbors and business associates of the Ramseys; and identify everyone present at JonBenét's beauty pageants and examine every burglary occurring in Boulder -- both before and after the murder -- for a sexual component. And while they were doing it, they were to establish a "closer rapport" with the Ramseys.

Much of the evidence the Boulder detectives managed to collect was contravened, negated or reinterpreted by the district attorneys or their experts. When the Aerospace Corporation in Los Angeles, having analyzed the tape of Patsy's 911 call, said that the voice of the Ramseys' nine-year-old son, Burke, could be heard (according to the Ramseys, their son had been asleep at that time), prosecutor Hofstrom sent the tape to Los Alamos, where technicians heard the meaningless phrase "I scream at you."

When police found that Don Foster, a linguistics expert from Vassar who had helped bring the Unabomber to justice, was willing to state that the handwriting on the ransom note was Patsy's, prosecutors dismissed Foster as unreliable. They had some cause: Before personally examining the note or any of the evidence, Foster had corresponded over the Internet with one of the hundreds of anonymous Ramsey junkies, and guessed - incorrectly -- that his correspondent might be John Ramsey's oldest son, John Andrew; Foster had also written a letter to Patsy at that time indicating he thought she was innocent. Thomas contends that a good prosecutor could have dealt with these problems in court, particularly since Foster's original opinion proved, if anything, that he was not prejudiced against Patsy before seeing the note.

Although a prosecutor must test evidence for weakness, Thomas says Hunter's activities went far beyond that. Ultimately, he believes, the DA usurped the role of a jury. "The DA's office thinks they have this crystal ball into what a...jury will do at some point in the future, and therefore they don't have to make the case," Thomas argued on *Larry King Live*.

When the DA finally made plans for a grand jury -- almost two years after police had suggested one -- the detectives who actually worked the case were told their presence wasn't needed. A year ago this week, the grand jury finished its work without indicting anyone for the murder of JonBenét Ramsey. Patsy Ramsey: *...He was headed down a wrong path. He was at the point of no return. And his ego is the size of a barn, and he can't put it aside to try to find the murderer of this child.*

John Ramsey: *He's a profiteer. He's the only person from inside the system who has written a book, who has gone on national television. It's disgraceful, absolutely disgraceful.*

--*Larry King Live*

The frustrations of the Ramsey case took a serious toll on Steve Thomas. On a May morning, he found a mutilated cat outside his house; his garden hose had been sliced and his wife's flower garden wrecked. Newly married at the beginning of the investigation, he rarely saw his wife. When his father was rushed to a Denver hospital with heart failure, Thomas was in Atlanta, questioning associates of the Ramseys; instead of rushing back, he continued his work. (His father recovered.)

In early 1998, Thomas, suffering from lethargy, headaches, weight loss and back pain, was diagnosed as having lymphatic thyroiditis. Thyroid problems had contributed to his mother's death.

On August 6, 1998, Thomas wrote a long letter of resignation to Boulder's new police chief, Mark Beckner. "What I witnessed for two years of my life was so fundamentally flawed, it reduced me to tears," he said. "I cannot continue to sanction by silence what has occurred in this case."

Thomas's letter sparked a brief flurry of concern about the operations of the Boulder County District Attorney's Office. But the DA's office struck back, noting that the Ramsey case was Thomas's first murder investigation, and labeling him a rookie cop who had gotten in over his head and whose own failure had made him bitter and vengeful.

Many of Thomas's colleagues would disagree with this depiction. "He's one hell of an investigator and a good cop," says Jim Kolar, now working in Telluride.

"The best police officer I have ever worked with," says Greg Idler, who's also left the BPD. "Excellent in investigations and at interviewing. Steve never let anything die; he always worked it to the end. And he's an expert when it came to deceptive responses from suspects. Steve has never been one to take the easy or the most popular way. He's the one who wants to get justice."

The attacks escalated. Hints surfaced that Thomas was mentally unstable; according to Jeff Shapiro, these rumors were coming from the DA's office.

And once Thomas had written his book -- which enjoyed a brief sojourn on the *New York Times* bestseller list -- he faced accusations that he had acted out of greed and betrayed the case. But Thomas has a response for this: Thanks to Hunter, he says, there were few secrets left in the investigation when he began to write. "The facts are the facts," he adds. "They in no way, shape or form change because, two years later, I write a book about my experience..."

"Hunter comments that Thomas has made a million dollars and it's all blood money," Thomas says. "I'm not advocating anybody buy the book. Go to the library and check it out and tell me that this was not a story that should have been told. But Hunter is so hypocritical... This guy had the gall to go to an attorneys' conference in a beach resort in Alabama, and you know what the topic of his speech was? 'Managing the High-Profile Child Homicide.' On whose time and whose dime is he down in Alabama and up in Seattle giving speeches?"

"If I'm not mistaken, in Boulder, Colorado, there is still an open homicide investigation, and presumably, he is still the district attorney till January."

Patsy Ramsey: I have faith that comes from only one source. God knows who killed JonBenét Ramsey. Steve Thomas does not know, Patsy Ramsey does not know, and John Ramsey does not know. God knows, and the truth is going to prevail.

-- *Larry King Live*

Trip DeMuth, who had run against colleague Mary Keenan in the Democratic primary and lost, resigned from the district attorney's office last month. He has taken a job with Crisman, Bynum and Johnson - whose principals include Mike Bynum, Boulder County deputy district attorney in the mid-'70s and current advisor to and close friend of John and Patsy Ramsey.

Alex Hunter has yet to reveal his plans for when he finally leaves the Boulder DA's office -- 28 years after he was first elected to oversee justice, Boulder style.

Thomas is making his living at construction. He thinks about JonBenét Ramsey every day. "Do I miss police work?" he asks. "I miss the hell out of police work. I didn't anticipate that at 38 years old, I'd be a carpenter."

"Do I miss police work in Boulder, Colorado? Not for a second."

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