



September 1, 2006

Via Facsimile – (303) 441-4703
Via E-Mail: boulder.da@co.boulder.co.us

District Attorney Mary Lacy
Boulder County District Attorney's Office
P.O. Box 471
Boulder, CO 80306

Via Facsimile – (303) 441-4703
Via E-Mail: boulder.da@co.boulder.co.us

Custodian of Records
Boulder County District Attorney's Office
P.O. Box 471
Boulder, CO 80306

FIRST PUBLIC (OPEN) RECORDS REQUEST PURSUANT TO
C.R.S. §24-72-301 ET. SEQ. AND C.R.S. §24-72-201 ET. SEQ.

Dear Ms. Lacy and Custodian of Records:

This letter constitutes a Public (Open) Records Request pursuant to C.R.S. §24-72-301 *et. seq.*, (Criminal Justice Records) and C.R.S. §24-72-201 *et. seq.*, as well as all other applicable statutory provisions. Pursuant to C.R.S. §24-72-304 and C.R.S. §24-72-203, please promptly make the documents requested herein available for inspection and copying.

Please note that this is the first of two Public Records Requests which we have submitted. This first request is particularly narrow in scope. Accordingly, please make the requested records available for inspection prior to the close of business on Thursday, September 7, 2006.

Pursuant to C.R.S. §24-72-305, if you deny access to any criminal justice record requested herein, for each such record please provide a written statement of the grounds for denial, specifying for each record withheld the law or regulation under which access is denied or the general nature of the public interest to be protected by the denial.

FORMAL REQUEST FOR THE PRESERVATION OF PUBLIC RECORDS

This letter constitutes a formal notice that a request has been made to inspect the Public Records identified in this document. Therefore, pursuant to applicable statutory provisions, none of the records requested herein may be destroyed by the agency to which this request is directed while the request is pending. Accordingly, please take immediate steps to prevent the deletion of any email or other electronic information, or the destruction of any other records which are or may be responsive in any manner to this Public Records Request.

DEFINITIONS

The term “**public records**” as used in this public records request includes, but is not limited to, all correspondence, electronic mail, electronically recorded information and writings of every type, including, but not limited to, all books, papers, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics, including digitally stored data. The terms “**public records**” and “**documents**” are used interchangeably in this public (open) records request.

The term “**correspondence**” means a communication that is sent or received by one or more specifically identified individuals including, without limitation:

- A. Communications sent via electronic mail;
- B. Communications sent via private courier;
- C. Communications sent via US Mail.

The term “**electronic mail**” means an electronic message that is transmitted between two or more computers or electronic terminals whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. “Electronic mail” includes electronic messages that are transmitted through a local, regional or global computer network.

The terms “**test**” and/or “**testing**” as used herein mean any and all attempts, be they partial or complete, to process the DNA samples taken surreptitiously or otherwise from John Mark Karr, including but not limited to partial or complete attempts to determine whether DNA taken from John Mark Karr matched, to any extent, any other DNA sample, including but not limited to unidentified DNA present in the underwear of JonBenet Ramsey.

The term “**Boulder County District Attorney’s Office**” as used herein includes but is not limited to all current and former employees, agents, and representatives of the District Attorney’s Office, including but not limited to: the elected District Attorney; all attorneys and staff within the District Attorney’s Office; all investigators employed by the District Attorney’s Office; and all volunteers working under the authority of the District Attorney’s Office. This request also specifically includes any intermediary utilized by the District Attorney’s Office to perform any act on behalf of the District Attorney’s Office, including the conduct of communications with any individual or entity.

The reference to attorney “**L. Lin Wood**” as used herein includes Mr. Wood and all of his current and former partners, shareholders, employees, agents, and authorized representatives.

PUBLIC RECORDS TO BE PRODUCED

Please produce the following public records pursuant to the applicable statutory authority:

1. All documents (including but not limited to electronic mail, handwritten notes, telephone messages, correspondence, reports, etc.) pertaining in any manner to the acquisition of DNA samples from John Mark Karr. This request includes, but is not limited to, the surreptitious DNA samples taken from John Mark Karr which were referred to by District Attorney Mary Lacy during her press conference on August 29, 2006. This request specifically includes, but is not limited to: shipping/ mailing invoices and records; and all reports and correspondence (in any form) from all investigators, experts, government officials, and law enforcement officials.
2. All documents (including but not limited to electronic mail, handwritten notes, telephone messages, correspondence, reports, etc.) pertaining in any manner to the testing of any and all DNA samples taken from John Mark Karr by or on behalf of the Boulder County District Attorney's Office prior to his arrival in Boulder County, Colorado on August 24, 2006, including but not limited to the surreptitious DNA samples taken from John Mark Karr which were referred to by District Attorney Mary Lacy during her press conference on August 29, 2006. This request specifically includes, but is not limited to: shipping/ mailing invoices; charges for review and/ or testing; lab reports; test results; electronic mail; handwritten notes; memorandum; and any and all reports and correspondence (in any form) from all investigators, experts, government officials, and law enforcement officials.
3. All documents (including but not limited to electronic mail, handwritten notes, telephone messages, correspondence, etc.) pertaining in any manner to the acquisition and/ or testing of all DNA samples obtained from John Mark Karr at any point in time after he arrived in Boulder, Colorado on August 29, 2006. This request specifically includes, but is not limited to, the buccal swab sample which was taken from Mr. Karr upon arrival at the Jefferson County airport on Thursday, August 24, 2006. This request specifically includes, but is not limited to: shipping/ mailing invoices; charges for review and/ or testing; lab reports; test results; electronic mail; handwritten notes pertaining in any manner to the testing process; any related communication; and any and all reports and correspondence (in any form) from all investigators, experts, government officials, and law enforcement officials.
4. All documents (including but not limited to electronic mail, handwritten notes, telephone messages, correspondence, expert reports, law enforcement reports, etc.) pertaining in any manner to the determination made by the Boulder County District Attorney's Office whether or not to test the DNA obtained from John Mark Karr in order to determine whether it was a match or bore similarities to the unidentified DNA found in the underwear of JonBenet Ramsey. This request specifically includes, but is not limited to, the determination whether to test the DNA surreptitiously obtained from John Mark Karr prior to his arrival in Boulder, Colorado on August 29, 2006. This request specifically includes, but is not limited to: interoffice communications; communications with advisors or consultants outside of the Boulder County District Attorney's Office; communications with experts of any type; communications with L. Lin Wood, John Ramsey, Michael

District Attorney Mary Lacy
Custodian of Records
September 1, 2006
Page 4 of 4

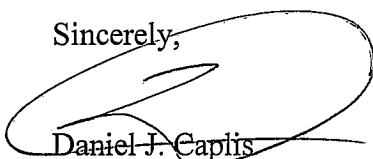
Tracey, and/or any other individual or entity. In addition, this request specifically includes, but is not limited to documents relating to communication with law enforcement or government personnel inside and outside of the United States of America, including but not limited to Thai law enforcement, Thai government officials, ICE and Homeland Security.

Feel free to call me at any time if you have any questions regarding the scope of the request. Please direct all communications regarding this public records request to the following:

Daniel J. Caplis
E-Mail: DanCaplis@clearchannel.com
Cell: (303) 907-5003

Thank you for your time and consideration.

Sincerely,



Daniel J. Caplis
The Caplis and Silverman Show
630KHOW