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TWENTIETH JUDICIAL DISTRICT
AUG 20 PM 2:40

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: 1777 Sixth Street Boulder, Colorado 80302 Court Phone: (303) 441-3750	
PEOPLE OF THE STATE OF COLORADO vs. JOHN MARK KARR, Defendant (s)	▲COURT USE ONLY▲
Attorney Name: Mary T. Lacy District Attorney P.O. Box 471 Boulder, Colorado 80306 Attorney Phone: (303) 441-3700 Attorney Fax: (303) 441-4703 Attorney E-mail: mlacy@co.boulder.co.us Attorney Reg: # 15091	Case No: 2006 CR 1244 Division: 13 <i>So ordered.</i> <i>ML 8/20/06</i>
PEOPLE'S MOTION TO QUASH ARREST WARRANT	

The People, through Mary T. Lacy, District Attorney for the Twentieth Judicial District, move to quash the arrest warrant for John Mark Karr, to vacate the scheduled first appearance, to dismiss these proceedings, and to vacate all orders to seal documents previously entered in this matter, except for redaction of names of live children mentioned therein, on the following grounds:

1. The People sought the arrest warrant for John Mark Karr after he had been identified as the writer of a series of anonymous e-mails sent to Professor Michael Tracey starting in 2002. The writer at first signed his e-mails as "D" and later as "Daxis." The emails were sent through a service that masked the identity and location of the sender.
2. Until April 2006, the anonymous e-mails were not of substantial interest to the District Attorney's Office because they merely demonstrated that the writer had an intense interest in the JonBenet Ramsey case.
3. Starting in April 2006, the writer began to claim more personal knowledge about the death of JonBenet Ramsey and to demonstrate a more personal interest in JonBenet Ramsey and in Mrs. Patsy Ramsey, the victim's mother. Although at first he claimed to know two people who participated in the crime, he later admitted personal responsibility for the death.

4. The anonymous writer described the crime in terms of his love for JonBenet Ramsey. Over time, he provided increasing detail about his "recollection" of the night of the crime. But he refused to provide any detail that he thought might lead to his identification.

5. Not only did the writer keep his identity secret, but he also kept his whereabouts secret. He did admit to traveling extensively after leaving the United States because he had been investigated in connection with the abduction and/or murder of other young children and that he could not return to the United States because of an active warrant for his arrest.

6. The writer also showed an intense personal desire to communicate with Mrs. Patsy Ramsey and expressed an identification with her through what he perceived to be their common love for JonBenet.

7. The writer expressed great concern and sympathy for Mrs. Ramsey because of her deteriorating condition due to cancer. He wrote a message that he wanted forwarded to Mr. and Mrs. Ramsey in an effort to make contact with them so that he could explain his relationship to their daughter and her death.

8. Mr. Tracey convinced the writer to make telephone contact with the Ramseys. Law enforcement agencies cooperated in an unsuccessful effort to trace that call.

9. In a further effort to identify and locate the anonymous writer, Mr. Tracey arranged to exchange telephone calls with the writer, who was by then identifying himself as "Daxis." In those calls, Daxis repeated his admissions about his involvement in and responsibility for the death of JonBenet Ramsey, but he continued to refuse to provide information that would help identify him.

10. Daxis took part in eleven phone conversations with Mr. Tracey. He also continued to send daily e-mails. In the e-mails and phone conversation he expressed a fascination with not only JonBenet Ramsey but with the sexuality of young girls in general. He claimed to have been involved romantically and sexually with a number of young girls and expressed a preference for girls about six years of age.

11. Daxis revealed that he had taught young girls in various schools and has also tutored, cared for, or otherwise had responsibility for young girls during his travels. He also revealed that he was currently teaching young girls.

12. Daxis then began to provide his story in narrative form, which he wanted to be included in a book Mr. Tracey was planning

to publish. He provided Tracey with several sections of this manuscript in which he gave descriptions of his own background and development, his fascination with the sexuality with young girls, and his involvement with the death of JonBenet Ramsey.

13. Daxis provided details of his "recollection" of how JonBenet died in a way that supported the conclusion that he firmly believed that he loved JonBenet Ramsey, that he had involved her in sexual activities that included temporarily asphyxiating her, and that he had "accidentally" killed her by becoming so sexually involved that he lost track of time so that the asphyxiation lasted longer than he intended, causing her severe injury and leading him to inflict a severe blow to her head. His rationale for these events supported the conclusion that he still believed that it was proper for an adult such as himself to be sexually involved with six year old girls in the ways he described, and that JonBenet had died only because of a tragic "mistake" in what was intentional sexual behavior on his part.

14. It was apparent from Daxis' emails, his manuscript, and from his phone conversations (1) that he believed his narrative of his responsibility for the death of JonBenet and (2) he believed his narrative about the sexuality of young girls and his ability to have a loving relationship with young girls, similar to the one he believed he had had with JonBenet Ramsey.

15. After the death of Mrs. Ramsey, Daxis became more intense about his desire to publish his explanation about himself and his responsibility for the death of JonBenet, but to also keep his identity secret. He also began to express sexual interest in specific young girls he said he had met in the new school at which he had recently been hired and at which he was to teach when school began in mid-August. He began to describe his interest in several girls in much the same terms that he had described his interest in JonBenet Ramsey.

16. The District Attorney's investigators informed authorities of the United States and Thailand about what had been learned and worked with those authorities and others in the effort to locate and identify Daxis.

17. In the course of the numerous phone calls between Daxis and Mr. Tracey and through other means, the authorities were able to trace the calls and to locate him in Thailand. They then were able to identify him as John Mark Karr and ultimately to confirm that he was about to begin to teach young children in the new school he had described. They also were able to confirm that he was having personal involvement with at least one of the girls he had previously identified as the target of his personal and sexual interest.

18. Until Mr. Karr was identified there was no way to try to confirm or disprove his admissions related to causing the death of JonBenet Ramsey. Until he was detained, there was great risk that he might disappear if he became aware that people from his past were being interviewed about his admissions.

19. Because Mr. Karr's description of his sexual involvement with the victim during the events leading to her death included oral sex and tasting her blood after he caused her vagina to bleed, it was apparent that the DNA found in blood spots in her underwear would be crucial to confirming his account of his involvement.

20. Although investigators in Thailand obtained swabs from several items touched by Mr. Karr in an effort to obtain his DNA, our expert who would be responsible for the DNA testing, Gregory S. LaBerge, informed us that because of the mixture of DNA involved in the sample from the underwear, it would be necessary to obtain an untainted sample through use of a buccal swab from Mr. Karr to provide a definitive comparison. There was no way to obtain a buccal swab without alerting Mr. Karr to the fact that he was being investigated, creating an unacceptable risk that he would flee unless he were detained when the buccal swab was obtained.

21. After it was confirmed that Mr. Karr was indeed teaching young children and that the school year had begun, we obtained approval from the Court for an arrest warrant. Thai officials then revoked his work visa and American officials revoked his passport.

22. After he was detained in Thailand, Mr. Karr refused to provide buccal swabs on two occasions. Although he later did consent to submit to such a swab, he did so when investigators were not expecting it and when they did not have the necessary kit available.

23. Once Mr. Karr was detained, investigators from the Boulder District Attorney's office and detectives from the Boulder Police Department made extensive efforts to interview people who might have information about Mr. Karr's past and to investigate data banks that might have information about Mr. Karr's financial records in an effort to learn where he was on December 25-26, 1996. Although they could not positively place him anywhere in particular at the time of the crime, Mr. Karr's family provided strong circumstantial support for their firm belief that he was with them in Georgia at the time of the crime. In addition, no convincing evidence could be found that placed him in or near Boulder at that time of the murder.

24. Immediately upon the return of Mr. Karr to Boulder County on August 24, 2006, investigators executed a search warrant to obtain a buccal swab from Mr. Karr. That sample from Mr. Karr was taken to Dr. LaBerge on August 25, 2006. He and his staff immediately began the process of testing that swab to identify Mr. Karr's DNA profile and to compare it with DNA previously identified from the scene of the crime. Dr. Leberge completed the testing and analysis and concluded on August 26, 2006, that Mr. Karr was not the source of the DNA found in the underwear of JonBenet Ramsey. This information is critical because, as mentioned above, if Mr. Karr's account of his sexual involvement with the victim were accurate, it would have been highly likely that his saliva would have been mixed with the blood in the underwear.

WHEREFORE because no evidence has developed, other than his own repeated admissions, to place Mr. Karr at the scene of the crime and, in particular, because his DNA does not match that found in the victim's blood in her underwear, the People would not be able to establish that Mr. Karr committed this crime despite his repeated insistence that he did.

The People therefore request that the Court quash the arrest warrant, dismiss this proceeding, and vacate the orders sealing arrest and search warrant documents involving Mr. Karr subject only to redaction of the names of live children referred to above.

Dated: August 28, 2006

Respectfully submitted,

By: 
MARY T. LACY, DISTRICT ATTORNEY
Twentieth Judicial District