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Conflicting Clues A Hurdle

Evidence Found To Back Both In-Home, Intruder Theories In Jonbenet's Slaying

By Elizabeth Mattern Clark, Camera Staff Writer
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BOULDER, CO --- There was the bizarre, rambling ransom note and the crudely fashioned garrote.

The dark fibers on the duct tape covering her mouth.

The fractured skull. Drops of blood containing DNA.

It's not that there was necessarily a shortage of evidence in the JonBenet Ramsey homicide nearly 10 years ago. But - in addition to actions taken in the early hours of the investigation that contaminated the crime scene - one problem that plagues investigators to this day is that the evidence that was intact was conflicting, experts say.

Some pieces of evidence have long been used to bolster the suspicion of JonBenet's parents that police held early on. Other findings support the intruder theory.

Asked if the crime-scene evidence points to John Mark Karr, arrested Aug. 16 on suspicion of JonBenet's murder, analysts say they can't be sure.

"It's a paradox," said Gregg

McCrary, a former FBI profiler. "You've got conflicting evidence that points in different directions, and that's going to be the huge hurdle in prosecuting this case.

If it goes to trial, his defense attorney is going to bring up all the evidence that points toward someone in the house."

Linguists disagree on note

Robert Leonard, director of the Forensic Linguistics Project at Hofstra University in New York, compared syntax, punctuation, word choice and other characteristics in the ransom note to e-mails that a man believed to be Karr sent to a University of Colorado professor over the past four years about JonBenet.

Leonard said he was working with a small sample, equivalent to a partial fingerprint, but that he found "no evidence that Karr wrote the ransom note." He consults for law-enforcement agencies, and the Daily Camera hired him to do a brief linguistic comparison.

"There are some pretty idiosyncratic things, like we find 'shall' in the e-mails but not in the ransom note, and that would be a perfect place for it," he said. "All-capital letters would have been a very appropriate way to get attention, but while they're used extensively in the e-mails, they're not used in the ransom note. And long dashes and hyphens, used in the e-mails, are totally lacking in the ransom note."

However, Edward Finegan, a linguistics professor at the University of Southern California, said the average word length and sentence length in the e-mails and ransom note are similar.

"A quick look says to me these are not completely incompatible," Finegan said. "But by no means does that mean they are the same writer."

Analysts including Bethany Dumas, a University of Tennessee linguistics professor who has testified as an expert witness, say the ransom note was a sophisticated letter written by an educated person.

"It contains fairly complex language," Dumas said.

The ransom note, many criminal profilers say, reads as if it was written after JonBenet was already dead - by someone who was not a true kidnapper and who was intentionally misspelling some words, perhaps to appear foreign or conceal his or her education level.

A former teacher, Karr was at the top of his class in high school and attended Bevill State Community College in Hamilton, Ala., where he made the dean's list.

Early handwriting analysis for the Boulder police investigation indicated Patsy Ramsey could have scrawled the ransom note, but some analysts in the past

week have said Karr's handwriting samples appear to match it. Karr's message in a high school yearbook contained the phrase "I shall be the conqueror" as part of an all-capitalized segment, leading a former classmate to connect him to the ransom note, signed "S.B.T.C."

Conflicting evidence

Prosecutors won't discuss what evidence they have of Karr's involvement in the 6-year-old Boulder beauty queen's death, prompting critics to question whether he is seeking attention with a false confession. Karr, 41, told media outlets after his arrest that he was with the girl when she died.

Karr, who was charged with possessing child pornography in California in 2001, said he loved JonBenet and that her death was an accident.

Her body was discovered Dec. 26, 1996, with a fractured skull and a cord tightened around her neck.

The most obvious argument that bolsters the intruder theory is that "there doesn't appear to be an overt motive for the Ramseys to murder their child," McCrary said. Male DNA was recovered from spots of blood in her panties, a mysterious boot print was found outside her house and there were signs that someone might have entered the house through a basement window.

But investigators found that fibers on the duct tape covering JonBenet's mouth were a "likely match" to Patsy Ramsey's blazer. The remote room where the girl's body was found and the placement of the ransom note on a back stairway suggested familiarity with the house, McCrary said.

The 8.5-inch fracture in JonBenet's skull showed she was hit hard over the head by someone who was "very angry at her," McCrary said. The garrote used to strangle JonBenet was "very tightly knotted" and "to me is a little bit at odds with what we hear from Karr, who is talking about how much he loved JonBenet," he said.

The coroner did not report the presence of semen but said JonBenet had injuries consistent with "digital penetration of her vagina."

"If, in fact, that happened, that points to a sexually inadequate guy," McCrary said. "He would have to be sadistic, too."

Boulder police flew in John Van Tassel, a forensic knot analyst who retired last month from the Royal Canadian Mounted Police, to help investigate in 1997. He

still won't release his findings or talk about the case, saying he might be called to testify.

He said a garrote causes a "continuous strain" until strangulation occurs, whether "sexually motivated or purely for the homicide itself."

Someone could learn about garrotes from historical references - they were used as Spanish execution devices - or from pornography, Van Tassel said.

"It's a very short distance between strangling someone with it and controlling them," he said. "Once you have something around someone's neck, you have control and, whether accidentally or intentionally, you can easily kill someone."

After JonBenet's autopsy report was released in 1997, one forensic expert said it appeared the girl was strangled during a "sex game" using the cord and accidentally killed. Another said the results revealed a planned act of violence and pointed to a killer who "really did not like this child."

'That's what made this case so difficult'

Former prosecutor Bill Wise, who helped oversee the Boulder County District Attorney's Office part of the investigation until retiring in 2001, said there was "a lot of powerful evidence that pointed inside the family, but there was also powerful evidence that pointed outside."

"That's what made this case so difficult," Wise said. "I would say my initial feeling, like the rest of the world, was it was someone inside the family. But as the case developed, especially with the DNA, I would never have convicted Patsy Ramsey."

Police considered the Ramseys to be under an "umbrella of suspicion" early on, but Karr's arrest has been the only one in the decade-old case. Patsy Ramsey died of ovarian cancer in June.

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