

IN THE DISTRICT COURT, BOULDER COUNTY, COLORADO
Case No. 99 Division 2

STIPULATED COURT ORDER

Alexander M. Hunter,
District Attorney in and for
the 20th Judicial District
Plaintiff,

v.

Andrew Louis (Lou) Smit
Defendant

THE COURT, based upon a stipulation of the parties, hereby enters the following order which replaces all previous orders entered into this case.

GENERAL STIPULATION

1. The parties stipulate that each of them has acted in good faith in performing the terms of the employment agreement in question, and that this stipulation is entered into in an effort to resolve misunderstanding which have arisen between them. Detective Smit has entered into these stipulations because he has never had an intention to release information to the public during the pending grand jury investigation. Plaintiffs stipulate that they have no evidence that Detective Smit ever misused any information that was entrusted to him, nor do they have any evidence that he intended to misuse such information in the future.

POSSESSION OF INVESTIGATIVE DOCUMENTS AND THINGS

2. Detective Smit shall be allowed to retain one copy of the Powerpoint demonstration, and shall turn over a second copy to the Plaintiff.

3. Detective Smit has shredded all of his paper copies of the case time line, lead sheets and index, and shall turn over all databases containing these documents to the Plaintiff. Since Plaintiff contends that these items are privileged work product, Smit shall not retain a copy of these items.

4. Smit shall retain a copy of the Powerpoint demonstration in his own home or in some other safe and secure place.

5. The Plaintiff shall maintain and will not erase or destroy the Powerpoint demonstration, the case time line, lead sheets and index.

DISCLOSURE BEFORE CHARGES FILED

6. Until charges are filed in the Ramsey case, Detective Smit shall not show the Powerpoint demonstration or any of the photographs contained therein to anyone, nor shall he disclose

confidential information that he has learned during the course of his employment unless such information is already in the public domain.

7. During the time period set forth in paragraph 6 above, Detective Smit may continue to investigate the murder of JonBenét Ramsey but in doing so will make it clear that he is investigating on his own and not as a representative of the police, district attorney or grand jury. Furthermore, during any such investigation, Smit shall not intentionally interfere with the police, district attorney, or grand jury investigation.

DISCLOSURE AFTER CHARGES FILED/TIME LIMIT

8. After charges are filed in the Ramsey case, Detective Smit shall be free to disclose any information to anyone, including any person who may be charged with the death of JonBenét Ramsey; PROVIDED HOWEVER, Smit agrees that he shall not disclose to anyone conversations he has had with any attorney working for the district attorney, or consulted by the district attorney, unless ordered to do so by a court of competent jurisdiction.

9. If no charges are filed by October 1, 1999, Detective Smit shall be free to disclose any information to anyone, but Smit agrees that he shall not at any time in the future disclose any conversations he has had with any attorney working for the district attorney, or consulted by the district attorney, unless ordered to do so by a court of competent jurisdiction.

PROCEDURE FOR EXTENSION OF THIS ORDER

10. If no charges are filed by September 1, 1999, the Plaintiff may seek consecutive 30 day extensions of the provisions set forth in paragraphs 4, 6 and 7 above, but in doing so, the Plaintiff will be required to demonstrate by clear and convincing evidence that a continuing prior restraint on Detective Smit's freedom of expression is necessary.

Dated the 30th of March, 1999

By the Court

Also signed by Alex Hunter, Lou Smit, Michael Kane and J Gregory Walta (attorney for Smit)