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For the record, the following are "personal notes or personal observations" by an Internet posters attending the Linda Arndt Civil Trial in 2001. This information was either posted on the ACandyRose Internet Subculture Public Forum or permission was given for the information to be copied from the Justice Watch Forum to be "shared" for the Internet community following the JonBenet Ramsey murder case. All postings are based on personal opinion and observations of the individual posters.

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JonBenet Ramsey Folder - JTColfax, your world is waiting :-)

From: TOADLOAD 6/1/2001 10:56 pm  
To: ACandyRose (33 of 64)

827.33 in reply to 827.30

Linda Arndt trial - June 1, 2001

1. Brook Jackson - Colorado state court judge, and former attorney for Linda Arndt.
2. Expert Police Procedure Witness Van Blaircome - Long time Bellevue Washington police chief, member of professional police procedure association, and author of articles in professional police journals on police procedures and the media. Training includes a master's degree in law enforcement and additional special FBI training.
3. Super irritating and obnoxious Boulder defense attorney - Hagglemax

Some of the names are not exactly correct as I can't remember their exact names.

From: TOADLOAD 6/1/2001 11:20 pm  
To: ACandyRose (34 of 64)

827.34 in reply to 827.32

The trial was supposed to begin at 9:00 AM. I got there once again by bike at 9:15 AM - exactly 7.5 miles and about 45 minutes from my house. Nothing actually started until 9:30 AM.

First witness on the stand was Brook Jackson, I believe a graduate of Dartmouth college and long time Colorado lawyer. I believe he is now a Colorado State court judge. He was called because before he became a judge he had represented Arndt in regards to her problems with the BPD. He had written a letter to Chief Kolbe about what he believed to be eight false accusations that appeared in many different media regarding Arndt's alleged poor performance at the crime scene. He believed that the eight points brought up in in the letter were not true and wanted Kolbe to

either have a press conference or press release that would state essentially that what ever initial screw ups at the crime scene were either not true or not actually Arndt's fault.

In response to the letter, Kolbe returned a call that lasted 45 minutes to then attorney Jackson. He agreed with Jackson that the items in question in the letter were not Arndt's fault, and had told Jackson during the conversation that Arndt was a very good police officer and had done good work for the department. Kolbe was going to talk to Boulder spokesperson, Leslie Ahome, and try to do something about it, but Kolbe never called back.

Through it all Boulder defense attorney Hagglemax was constantly objecting to everything on direct. The judge called several side bars and overruled Hagglemax on almost all of his objection. I'm certain Hagglemax was aggravating both the judge and members of the public that were observing the trial. The problem being that the witness couldn't get two words out without Hagglemax standing up and vigorously objecting. At one one point the federal court judge accused Hagglemax of having some sort of blood sugar disorder and actually stated that Hagglemax was acting paranoid. Hagglemax would constantly object and destroy the flow of the questioning and testimony and more often than not the judge would over rule his objections.

On cross examination the federal judge pointed out to Hagglemax that he was doing the same thing in his questioning that he had objected to previously. Mainly asking the witness about his "state of mind" regarding the testimony.

From: TOADLOAD 6/1/2001 11:51 pm  
To: TOADLOAD (36 of 64)

827.36 in reply to 827.34

Judge Jackson, the witness, was a great witness. Once again, a very likable, honest fellow with a chrome dome surrounded by pure white hair. He was familiar with the law and even explained some important facts to the federal judge regarding the participation of a court judge in a trial as a witness. Clearly he was interested in fairness, and didn't believe Arndt had been treated fairly by the BPD brass - namely Kolbe, who is looking sicker and sicker as each witness takes the stand. This trial is really as much about Kolbe's mismanagement of the BPD as it is about any thing else. At this point I understand what the trial is about and at least the reason Arndt is suing. Keep in mind that this is a federal case. It was started in Colorado state court and kick up to federal court. It's going to go on for several days and therefore; in my mind, there are people within the court system who believe her complaints are very serious and perhaps valid.

At the heart of it is her first amendment rights have been violated due to Kolbe's seemingly stupid gag order. Worse yet though is the fact that by not allowing Arndt to defend herself by stating the actual facts, Arndt has been emotionally, professionally and perhaps physically and psychologically damaged as well. In essence this damage was caused by Kolbe's inept management style which apparently does not follow guidelines established by national police procedure organizations. My own opinion is that Kolbe was probably never actually qualified to

be a police chief and most likely is the quintessential example of the "Peter Principle." Basically witness Jackson's testimony showed that Kolbe and Boulder had been notified of the problem, but failed to act in a timely or responsible manner. Ultimately this inaction led to the necessity of filing a law suit. The whole thing could have been avoided if Kolbe had acted professionally and responsively. The thrust of the trial is that Kolbe was using Arndt as a scapegoat for his own ineptitude. State Judge Jackson was asked by Hagglemax on cross examination if he thought Kolbe was trustworthy. Judge Jackson hesitated for a long time and said he couldn't answer that question. He then volunteered, "Do you want to know why?" Naturally Hagglemax didn't want to know. But it sort of slipped out that Kolbe and the BPD are using as a defense that Arndt is incompetent, but during Kolbe's conversations with Jackson he had stated that Arndt was very competent. I myself now believe that she is and she has been very wronged by Kolbe and his gag order.

Another issue being brought up is: "Did the public have the right to know." It appears the answer is, "Yes." The BPD had the responsibility to correct misrepresented facts in the media. Once again the issue of leaks are brought up, but no one seems to know who leaked the false information.

That brings up the male morphed to female creepy Internet persona "Jameson." I'm certain "Jameson" was privy to certain alleged facts about the case before anyone one else, and in light of the trial I certainly have to ask how and who did she get her information from.

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Edited 6/1/01 11:58:44 PM ET by TOADLOAD

From: TOADLOAD 6/1/2001 11:54 pm  
To: SABREENAKATZ (37 of 64)

827.37 in reply to 827.35

Yes, I met her. "Reporter" is her Internet name. By the way Coffman was there the entire day and snapped a picture of Kolbe walking into the court house. (He was there yesterday too; we just didn't recognize him.) Later Kolbe patted "MM" on the back.

From: TOADLOAD 6/2/2001 12:23 am  
To: TOADLOAD (40 of 64)

827.40 in reply to 827.36

The last witness of the day was Expert police procedure witness, VanBlaircome.

Basically he showed that the faults at the crime scene were not or could not have been Arndt's

fault because she was not the first officer on the scene. Two other officers had searched the house prior to Arndt even getting there, and had failed to find the body. Actually Arndt's only true responsibility was to set up the wire tap equipment to capture the alleged ransom instructions phone call. She had acted properly by sealing off JB's bedroom, but she was left in the house alone, for three hours, with too many people for one officer to manage by herself. It was brought out that the first two officers should have cleared everyone out. It wasn't her job. Essentially she was just assigned as a phone equipment officer. She had repeatedly asked for help but didn't get it.

According to Chief VanBlaircome, it was the responsibility of the BPD brass to establish a proper game plan. As for the search of the house, this was not irresponsible on Arndt's part because it is proper police procedure to have the people most familiar with the property search the property because they are the ones that best know the property, and the ones who would notice something out of place. This is how bomb searches are done at schools. Teachers are asked to inspect their own classrooms, and it is considered common and proper practice.

Chief VanBlaircome pointed out that there is a human component to law enforcement. Under the circumstances, it would not have been practical or possible for Arndt to handcuff each of the Ramseys by herself. He also pointed out that as far as contaminating the body, it didn't make too much difference because this case is not a forensic case, but a behavioral evidence case. At some point he stated that as far as he knew, and he was very familiar with the case, the parents really are the only serious suspects. Because of that any DNA associated with the parents would be more or less meaningless under many circumstances.

At that point the trial was recessed until Monday at 9:00 AM

Again these posts are only from my recollection. While I try to be accurate, there may be certain errors regarding the actual facts and statements of the witnesses. Obviously I have stated some of my own opinions based primarily on conjecture so therefore nothing should be considered as a fact or statement of the actual truth. All herein and above is just "hearsay."

Edited 6/2/2001 12:32:05 AM ET by TOADLOAD

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Edited 6/2/2001 12:41:27 AM ET by TOADLOAD

From: TOADLOAD 6/2/2001 8:06 am  
To: ACandyRose (42 of 64)

827.42 in reply to 827.41

I wanted to add that during VanBlaircome's testimony, he pointed out that the national police procedures organization has a recommendation or policy that indicates that preventing individual officers from talking to the media, is bad policy. What happens is that you then begin to get leaks

from anonymous sources that can never be tracked down - exactly what happened in the Ramsey case.

This same organization also has police policy guidelines that indicate that it is very important for the police to keep the public informed about the progress of investigations, and if an investigation is stymied, the public should have a clear understanding from the department as to the reasons, to the extent that the information would not hinder the continued investigation or limit the police's ability to provide proper evidence that led to a successful conclusion of the investigation resulting in a conviction. If there are misconceptions and false statements reported in the press about the quality or progress of the police's work, it is important that they be corrected by the department spokespersons, or individual police officers as quickly as possible. To do other wise is to have the misinformation about the investigation more deeply imbedded in the public's mind, according to VanBlaircome's testimony. So once again what happened within the Boulder Police Department under Kolbe's and Hunter's leadership was exactly the wrong thing, and opposite of national police policy guidelines. It's rather obvious to me the Ramseys had word as to what was going to come out during the Arndt suit against the BPD, and that's why they asking for a special prosecutor or to be cleared. In my opinion, they are hoping for the latter of the two.

Edited 6/2/2001 8:58:23 AM ET by TOADLOAD

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Edited 6/2/2001 8:59:31 AM ET by TOADLOAD

From: jtcolfax@hotmail.com (JTCOLFAX) 6/2/2001 2:48 pm  
To: \_TWINKLE (45 of 64)

827.45 in reply to 827.44

thanks, and thank you toadload too,...you OUGHT to start new threads for each time you attend the trial so no one misses them,..they seem BURIED here, and they are very important. Your recall is AMAZING.

What else,...oh, I don't know what Sabkatz is referring to about someone helping me, I have talked to ONLY one person either time i was there,...he was some fat man,...a court worker. I was gleaning info about how to obtain transcripts from him. But I go alone, and talk to NO ONE,..or, is it: no one will talk to me???.It's a shame if someone saw me there that they didn't say hello. Let's talk more about this going into tuesday morning and arrange something. Still, it's great that someone has covered almost every day for us,..just shos us all, how IN THE DARK we are because so much we think we know is what reporters have reported over the years, and they leave so much out.

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JonBenet Ramsey Folder - Foundation Argument? (3 views) Subscribe  
From: TOADLOAD 6/2/2001 8:16 am

To: ALL (1 of 7)

832.1

A lot of what is being objected to during the Arndt suit are "foundation arguments." Apparently whatever they are have to be established before questioning or evidence can be presented to the "fact finders" - the jury. Can some attorney on this forum explain what are "foundation arguments" and exactly how a trial lawyer needs to go about presenting them in order to be successful, and not constantly objected to by the opposing side?

From: MS\_CAUTION 6/2/2001 10:15 am

To: TOADLOAD (2 of 7)

832.2 in reply to 832.1

First, let me tell you how much I appreciate your (and JT's) reporting. It is quite good - almost like being there.

I also wonder about the defense attorney's objections. One of the initial principles of litigation is "don't object too much," even if you have a valid objection. Everyone knows it just pisses off the judge and jury. Is the defense lawyer quite young?

Now - as for your "foundation" question. It is not fair (and therefore objectionable) to ask a question without a good foundation. Example: let's say a lawyer questioned Linda Arndt about whether she ever wrote that Koby was an idiot. The lawyer needs some basis to ask the question - an e-mail, something (even if it's not, in and of itself, admissible evidence). The reason for this is because often a question itself can sway the jury (like the famous "Have you stopped beating your wife?" question).

If you can provide a specific example, I might be able to explain further.

From: TOADLOAD 6/2/2001 11:37 am

To: MS\_CAUTION (4 of 7)

832.4 in reply to 832.2

In this case Arndt's lead male attorney seems green. The judge is definitely helping him present his case properly to the best extent he is able to. The Boulder defense attorney is a middle aged slick "suit" who you wouldn't want to buy a car or piano from. I feel he is objecting way too much. First of all they had refused to "stipulate" to absolutely every piece of plaintiff evidence. This pissed off the federal judge and he has ordered the two sides to straighten out the problem by Monday 9:00 AM. The judge doesn't like the way the Boulder attorney objects to the point where a side bar is required. Clearly in my mind the defense attorney is impeding the progress of the trial with all his objections. It's gotten so bad that the judge is actually making fun of him in front

of the jury. I'm wondering if this might actually be some tactic for the defense side to eventually claim a mistrial. My dad (now deceased) has presented a case before the Supreme Court and he was very upset by judge Ito in the OJ trial. He said in a federal court all the shenanigans would not be tolerated, particularly by Johnny Cochran.

Personally I don't like the Boulder defense attorney, and I try to stare him down when he looks back at the audience. I get the feeling from his body language after he gets over ruled that he knows he's going down. But in the end, I think the case will depend upon law. I think in this case, since it's pretty much a constitutional question, it's going to be difficult for the plaintiff to prove all claims that may be necessary to receive a judgement. In other words, there is no question that Arndt was screwed by her supervisors, but employees often get the shaft from management. It's probably going to be a question of what were reasonable management decisions, and to what extent did they violate some specific Colorado law regarding the free speech of employees. I'm thinking the jury will probably be sympathetic towards Arndt. First of all it's mostly women, and I feel they tend to support one another often without really good reason if they sense that males have in some way degraded another woman.

Next, they look like just ordinary people. No, movie stars or celebrities on the jury. They most likely have been screwed over by management in their own jobs so they would be inclined to be sympathetic to Arndt. Another thing is that Arndt is just a "little guy" who several witnesses have testified that was a very good police officer. Her brother was a very good witness in the sense that he gave a good impression of an honest decent person. One makes the association that if he seems decent and honest then Linda must be too. It's like getting Linda Arndt on the stand for the jury to see without actually subjecting her to cross examination. The Boulder Defense team seems too large to me. You have both Kolbe and Beckner at the table, plus two attorneys. There also are people in the spectator section that actually officially belong to the defense team.

Worst of all for the defense in my mind is that the lead attorney is rather abrasive, and it doesn't ride well with me. For example he got argumentative with Judge Jackson (witness) and I think he was even called for it through an objection by the plaintiff's side. I don't like it when he interrupts a witness's answer. To me it doesn't go to seeking the truth. In fact, my impression is that the defense is doing everything within their power to prevent the truth from coming out.

In contrast, the female attorney for Arndt makes a very good impression. She is well dressed but doesn't look "slick" just appropriately professional. She is not abrasive, but respectful. Her questioning is simple and I think the jury can understand the question, and perhaps better understand the answer.

The defense attorney's questions are so complex that the witness often doesn't understand what he is actually asking. It's not clear to me and I think sometimes he has even asked questions containing double negatives which are particularly confusing. Perhaps the plaintiff's side should be watching this type of thing more and complain about it. I know I have missed some important responses and wished there was some sort of instant replay. I realize that the answer was very important, but I didn't really hear the answer completely.

Another think about the defense cross questioning is that he tends to make a long winded statment that begins with "You would agree that" . . . bla bla bla . . . The witness ends up agreeing to something he really didn't say himself. I told Rodger Arndt (after he was excused as a witness) in the elevator that he should have just said, "I don't know" to some of these questions. I know I would say, "No, I didn't say that" or "I didn't know that was proven." Or maybe, "I don't have first hand knowledge of what you are claiming.

Just for the record, I have been involved in some court cases and have won every one of them acting on behalf of myself without representation. I also testified as a witness in a traffic case and afterwards one of the policemen in the audience said I had been a very good and effective witness. One of things as a witness is that you have to be careful not to say, "I think . . . (this or that)" You have to state your response in such a way as, "I saw this happen," or "this is what I know for a fact."

Even Judge Jackson was making this mistake. He was editorializing to a certain extent about what would be proper administrative conduct, but that's just his opinion and doesn't go to the facts of the case. It is for the jury to decide what is appropriate, not him. He is there just to testify to the facts he knows. That's what differentiates an ordinary witness from an "expert witness." Even though Judge Jackson is a judge, he is not "an expert" in most matters. As I understand it, experts can offer opinions on what should have been done.

From: TOADLOAD 6/2/2001 1:23 pm  
To: MS\_CAUTION (5 of 7)

832.5 in reply to 832.2

For Ms. Caution to answer:

Well let's say you want to show the jury that Linda Arndt was a very good police officer, and you call to the stand her patrol car partner. How would you go about establishing the foundation.

The first objection from "Slick Hagglemax," would be, "Objection your honor. This witness's remarks will have no relevancy to the issues being addressed by the court."

Federal Judge: "Council please provide the foundation for this witness's testimony."

From: MS\_CAUTION 6/3/2001 9:16 am  
To: TOADLOAD (6 of 7)

832.6 in reply to 832.5

Ah, Toadload, you're really testing my memory here! Where's Imwinkelried when I need him?

(Edward J. Imwinkelried, for the uninformed, wrote a litigator-must-have book called "Evidentiary Foundations").

In your example, my guess is that the Judge is asking lawyer - before eliciting testimony that Arndt is a good cop - to establish that it's somehow related to an issue in the trial. Now here's where my ignorance is going to show, as I don't know all the counts that remain in Arndt's suit. Let's say, though, that the only remaining count is violation of 1st amendment. If that's the case, whether or not Arndt is a good cop is irrelevant. What is relevant is whether she was denied her free speech rights by the government. That denial would be as wrongful if she were a bad cop as if she were a good cop.

However, if, in addition to her 1st amendment claims, Arndt's defamation claims are still in the case. In that case whether she's a good cop IS relevant, because it rebuts the defamatory nature of the alleged comments.

Even in that case, though, I would expect the judge to want some explanation as to (1) how the patrol partner knows Arndt's a good cop (e.g., if they've only been partners for 24 hours, would partner really be in a position to know?); and (2) whether the probative value of "Arndt's a good cop" testimony is appropriate when taking into account the prejudice such a statement might cause. Let me explain (2) a little further:

There's a saying in litigation "you can't use character to prove conduct." This means that, in, let's say, a drunk driving trial, you can't introduce testimony that on 10 other occasions someone saw Mr. X drive after drinking. Just because he did it before does NOT establish he did it the time he's charged with doing it. Similarly, just because Arndt has been a good cop doesn't mean she was a good cop on the morning of December 26. However, it is a closer call than the drunk driver situation.

Another reason the judge may have asked for the foundation is did patrol partner really have the info to determine who is a good cop and who isn't?

I really like evidence . .

From: TOADLOAD 6/3/2001 11:13 am  
To: MS\_CAUTION (7 of 7)

832.7 in reply to 832.6

I think your answer helps a lot. One thing that bounced out at me was the "you can't use character to prove conduct." statement.

Basically that's what the Ramseys have been trying to do from the beginning. They claim they are citizens of good character and therefore couldn't have committed the crime. On the other hand people such as myself have looked at them and said, well wait a minute. If this is so, how is it that you are very wealthy yet it took a very long time for you to make a legitimate reward offer?

Why didn't your website have a reward offer posted and tied to information leading to the arrest and conviction of the killer? Why did John Ramsey destroy the crime scene when Arndt had given him specific instructions not to touch or move anything if he found something "out of place?" No matter how distraught, it seems more reasonable or responsible for him, an educated military man, to have called for Arndt, than to have moved the body specifically in violation of Arndt's orders, as she acted in the official capacity of "police telephone operator." Probing this case in my own mind, I don't find it reasonable two innocent parents would refuse to talk to police. Now the trial makes it pretty clear that the leadership of the BPD was incompetent. However, John and Patricia Ramsey did nothing to improve the situation in my mind. Is there any "foundation" for my thoughts?