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ANCHORS: THALIA ASSURAS

BODY:

THALIA ASSURAS, co-host:

The grand jury investigating the JonBenet Ramsey murder is expected to reconvene in Boulder, Colorado, today. The question this morning, and almost every morning since that murder, is whether the panel will hand up an indictment or end without indicting anyone at all. Bob Grant is a district attorney for Adams County, Colorado, and an adviser to the Boulder DA who is probing this case. And Mr. Grant is at KCNC-TV in Denver. Good morning to you, sir.

Mr. BOB GRANT (District Attorney, Adams County, Colorado): Good morning, Thalia.

ASSURAS: What stage is this grand jury at right now?

Mr. GRANT: Well, as I understand it, they stopped hearing evidence on Friday, and they're in deliberation mode. They'll come back this morning and deliberate some more.

ASSURAS: Is there any indication at all about whether they will hand down an indictment?

Mr. GRANT: Well, you know, obviously, juries deliberate in secret. All we know is that they've taken some time to discuss things. They'll take some more time this morning to discuss things. Nobody knows what they're going to do.

ASSURAS: But in terms of your bringing evidence to them or advice to the people that you are helping, where does it look to you as it might be going?

Mr. GRANT: Well, you know, I--I've been in this business for 22 years, and I gave up predicting juries 21 of those years ago. So I--there's no--no way to tell.

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ASSURAS: OK. Bob Grant, just hang on. We're going to get you back into this discussion, but I want to introduce Peter Boyles. And Peter Boyles and his listeners have also been following this pla--case very closely. He's a radio talk show host for KHOW. He is in his mobile studio at the Boulder, Colorado, Justice Building. And his listeners are listening to this as well. Good morning to you.

Mr. PETER BOYLES (Radio Talk Show Host, KHOW): Good morning to you. Thanks for having us on.

ASSURAS: What are your callers saying to you about whether they believe that there will be an indictment handed down or not?

Mr. BOYLES: A lot of people up and down the front range who have listened to KHOW through all of this and certainly read the newspapers, watched the television shows, people have a pretty good opinion or a fixed opinion, if you would, about what's happening and most people point to John and Patsy Ramsey as the--as--as certainly involved in the murder of their daughter. Everyone sits on pins and needles and waits to see, as Bob Grant has said, what this grand jury will do.

ASSURAS: After three years, are they really still sitting on pins and needles or have they been getting a little frustrated or tired of this case?

Mr. BOYLES: I think, like most stories, it has its moments of peaks and it has its moments of valleys. There was a tremendous amount of interest in it and sum--and it waned this summer. And with the grand jury coming back into action and now when people thought the grand jury was going to end on Friday, but somehow something happened that the grand jury turned on a dime, but this grand jury's now deliberating. As a matter of fact, when I spoke with the DA last--Bob Grant on the line--there was even some talk going out this grand jury would even be allowed to vote. And, in fact, I think they are going to vote. Now what will come from that, as Bob Grant says, no one knows.

ASSURAS: OK. Well, let's turn back to--to Bob Grant. Are they going to vote, be allowed to vote?

Mr. GRANT: Thalia, they do what they choose to do. It's--nobody allows them or doesn't allow them to do anything. If they ask for a--a true bill to determine whether or not to find it exists or doesn't exist, that's what they'll get.

ASSURAS: So they could be...

Mr. BOYLES: I disagree with that.

ASSURAS: OK. Go ahead.

Mr. BOYLES: I disagree with that. I--I--I have been told that they will do what the--what Mike Kane, who was the--the prosecutor in the grand jury, will say. If he says to them, 'We want to keep this as a continuing investigation, don't vote, because there is not a proclivity to find guilt,' then they won't vote. I've been told that directly.

Mr. GRANT: That--that's just not the case, Peter. That's just not the case.

Mr. BOYLES: All right. Fine. Well, then what you to...

Mr. GRANT: Certainly--certainly, the prosecutors can advise and give their opinion, but the grand jury truly is in charge of this case at this stage and at every stage. If they choose to vote, no matter what the DAs say, they will vote.

Mr. BOYLES: I--I--I hope you're right.

ASSURAS: Legally, what can they possibly do, though, Mr. Grant?

Mr. GRANT: They can return a true bill or return no true bill. They can issue a report or they can elect not to vote

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and simply disband. Those are their options.

ASSURAS: And true bill, once again, is?

Mr. GRANT: See, there's a difference between a true bill and an indictment. What the grand jury says is there is probable cause to believe--that means more likely than not--that a crime has been committed and that this person or these people committed the crime. It becomes an indictment when the DA signs it and presents it in court. There's a different standard between indictment and true bill.

ASSURAS: And if they do issue a report, what could they possibly put in that report?

Mr. GRANT: Well, y--there's a legal requirement that the report be in the interest of justice. That's a definitional term under law. And that means it--among other things, it can't negatively impact the ongoing investigation. If there's no indictment, there will continue to be an investigation. Whatever report they write...

Mr. BOYLES: But what...

Mr. GRANT: ...would have to be fairly innocuous, in--in--in my view, in order not to impact the ongoing investigation.

Mr. BOYLES: I--I would suspect there will never be--there won't--certainly this grand jury will not write a--not write a report. This grand jury, if indictment does not come, will probably be gagged. And the reason it'll be gagged is because they don't want grand jurors out there selling their stories, writing books or coming on radio and television shows. There's not enough time to write a report. I've been told by a very good source it would take about nine months to write a report on what this grand jury has done in the last year. So it's going to be one of two things. This is, again, best bet--nothing or an indictment. And, again--and I would ask the DA this--suppose nine of these 12 grand jurors vote that there's probable cause and Alex Hunter, the district attorney, doesn't believe that he has enough evidence to make the case beyond a reasonable doubt in a courtroom. What would happen then, Bob?

Mr. GRANT: Well, his--his ethical and legal and professional obligation would be not to submit that true bill as an indictment, if that's what he truly believes. See, the grand jury works on probable cause but also takes all inferences in favor of the people. In other words, if there are credibility questions, they believe people. If there's forensic evidence questions, they believe the forensic ana--ana--analysts. They--they work without the defense posture, so, you know, the DA has to bring all the other stuff into play and say, 'Well, there's a reasonable likelihood of conviction or not.' Not just probably somebody did it.

ASSURAS: Peter, last 20 seconds, last word to you then.

Mr. BOYLES: Well, I don't know. I--I--I'm--I'm like Bob. I think as the gr--as--so many people--media people are gathered here, I know that people that have said for the longest time there will not be an indictment yesterday have said there's going to be an indictment. So hang on. Let's see what happens.

ASSURAS: Exactly. We're going to have to see what happens. Bob Grant and Peter Boyles, thanks so much for joining us this morning.

Mr. BOYLES: Thank you.

Mr. GRANT: Thank you, Thalia.

ASSURAS: I'm sure we'll speak again. We'll be back.

(Announcements)

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