

STATE OF MICHIGAN
IN THE 3RD CIRCUIT COURT FOR THE COUNTY OF WAYNE

BURKE RAMSEY

Plaintiff.

Case No. _____-CZ

v.

Hon. _____

WERNER U. SPITZ,

JURY TRIAL DEMANDED

Defendant.

16-012792-CZ

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CATHY M. GARRETT

_____/

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_____ /

COMPLAINT FOR DEFAMATION

There is no other pending or resolved civil action
arising out of the transaction or occurrences alleged in this Complaint.

NOW COMES Plaintiff, Burke Ramsey, and states his Complaint for Defamation against Defendant, Werner U. Spitz, as follows:

INTRODUCTION

1. On or about September 19, 2016, Werner Spitz (“Defendant Spitz”) provided an interview to CBS Detroit for, *inter alia*, a radio broadcast to the public in general (the “Interview”), in which he explicitly and falsely stated that Burke Ramsey killed his sister, JonBenét Ramsey.

2. Defendant Spitz has a disturbing history of making false statements related to the brutal murder of young girls. As one federal court judge observed in a case regarding the murder of a two-year old girl, “The courts in this circuit that have considered Dr. Spitz’s testimony have found him not useful or credible.” *United States v. Bourgeois*, No. C.A. C-07-223, 2011 WL 1930684 (S.D. Tex. May 19, 2011). In that case, Defendant Spitz served as the expert for a now-convicted child killer. The court derided Defendant Spitz for providing an affidavit that “lacks credibility” and for “his willingness to dispute a well-settled factual account.” *Id.* The court even stated that the defendant “wisely did not secure any additional testimony from Dr. Spitz.” *Id.*

3. In another case, a jury resoundingly disagreed with Defendant Spitz’s theories about the brutal rape and murder of a four-month-old infant—theories that could have resulted in a murderer and rapist dodging justice. *State v. Biggs*, 2009-Ohio-6885, 2009 WL 5108485 (Ohio Ct. App. Dec. 28, 2009). Defendant Spitz refused to acknowledge the overwhelming signs that the four-month-old victim had been raped. *Id.* And then Defendant Spitz declared that this poor infant died an accidental death, instead of recognizing that she was asphyxiated by the hands of her tormenter. *Id.* Thankfully, in that case, “the jury chose to believe the physicians who actually

observed the infant and performed the physical examinations as opposed to believing [Dr. Spitz] who only reviewed reports, photographs, and microscopic slides.” *Id.*

4. The history of Defendant Spitz’s false statements is disturbingly lengthy. Defendant Spitz has been found liable for malicious prosecution due to his false claims about the mutilation of a body. Defendant Spitz’s expert testimony has been repeatedly excluded and called into question, including because his opinions were “simplistic and preposterous,” “mercurial,” lacking “in any meaningful detail,” contrary to the record, “vague,” unsound, and “wholly conclusory and without foundation.” Defendant Spitz has a pattern of jumping to baseless conclusions that are not supported by a “single journal or report.” Worse still, Defendant Spitz provided dubious testimony about a man’s cause of death to support his paying client, even though his testimony explicitly contradicted his own treatise.

5. Defendant Spitz is a publicity seeker with a history of interjecting himself in high profile cases in an effort to make money, exaggerate his resume and claim a level of expertise that he does not possess or deserve. Unfortunately, the unsuspecting public is not aware of Defendant Spitz’s lack of credibility and too often accepts his conclusions as accurate.

6. As the twentieth anniversary of the tragic and brutal murder of JonBenét Ramsey (“JonBenét”) approaches and remains unsolved, Defendant Spitz has once again interjected himself into a high profile case to make unsupported, false and sensational statements and accusations—this time accusing Burke Ramsey of JonBenét’s brutal murder. In the Interview, Defendant Spitz claims Burke, age 9 at the time of his sister’s death, bludgeoned her to death. Defendant Spitz made this accusation without ever examining JonBenét’s body, without viewing the crime scene, and without consulting with the pathologist who performed the autopsy on JonBenét.

7. Consistent with his history as an “expert,” Defendant Spitz discounted and ignored clear and convincing evidence that establishes that JonBenét was sexually assaulted, tortured, beaten, and died from asphyxiation by strangulation with a garrote. Defendant Spitz’s false accusation against Burke Ramsey defies the evidence, including that as early as 1998, Boulder law enforcement authorities publicly confirmed that Burke was not even a “possible” suspect in connection with his sister’s death.

8. Burke Ramsey lost his oldest sister, Beth, to a car accident in 1991, his younger sister to murder in 1996, and his mother to cancer in 2006. Burke’s life has also for the past 20 years been lived under the cloud of years of false accusations against his parents and periodic media frenzies. Now Defendant Spitz has attacked and permanently harmed the reputation of 29-year old Burke Ramsey by describing him as a killer since age 9. This Complaint seeks to hold Defendant Spitz fully accountable for his vicious, unsupported attacks on this young man, which have needlessly and selfishly added to the already heavy burdens he endures while trying to lead as normal a life as possible under the circumstances.

THE PARTIES, JURISDICTION, AND VENUE

9. Plaintiff Burke Ramsey is a resident and citizen of the State of Michigan, residing in Charlevoix County.

10. Defendant Werner U. Spitz is a resident and citizen of the State of Michigan who has a place of business and conducts business in Wayne County.

11. Burke Ramsey’s cause of action arose in Wayne County.

12. Burke Ramsey has suffered, is suffering, and will continue to suffer harm and original injury from Defendant Spitz’s tortious conduct in Wayne County and elsewhere.

13. Venue is proper under MCL 600.1627 and 600.1629.

14. The amount in controversy exceeds \$25,000.00, exclusive of interest and costs, and jurisdiction is otherwise proper in this Court.

FACTUAL ALLEGATIONS

Background of the Murder of JonBenét Ramsey

15. On the night of December 25, 1996, or during the early morning hours of December 26, 1996, while Burke Ramsey was sleeping in his family's home in Boulder, Colorado, an unknown assailant brutally tortured, sexually assaulted and murdered his sister, JonBenét.

16. JonBenét was six (6) years old when she was murdered.

17. At the time of his sister's murder, Burke Ramsey was nine (9) years old.

18. JonBenét died from asphyxiation by being strangled to death with a torture device known as a garrote.

19. At the time of or just after her death from asphyxiation, JonBenét also suffered a massive blow to her head that fractured the right side of her skull—an injury that has been described as the equivalent to an injury resulting from a fall from the third floor of a building.

20. During the course of her brutal murder, JonBenét was also sexually assaulted.

21. Burke Ramsey is a private citizen and has never attained the status of public figure for purposes of filing and prosecuting a defamation action to seek redress for false attacks on his reputation. Since the time of his sister's death until September of this year, Burke Ramsey never voluntarily participated in any media interviews to discuss his sister's tragic death.

22. In September of this year, after learning that CBS planned a docuseries on the JonBenét Ramsey case, which might include accusations against him, Burke Ramsey exercised his right of reasonable response and gave an interview to Dr. Phil McGraw.

23. The CBS docuseries and Defendant Spitz's participation in it will be the subject of separate defamation litigation to be filed in the near future in Los Angeles, California.

24. For years after her death, the murder of JonBenét has been the subject of a massive investigation by law enforcement officials in the State of Colorado, including members of the City of Boulder Police Department and the Boulder County District Attorney's Office.

25. Since the date of her death, the murder of JonBenét and the investigation into her murder have been the focus of local, national, and international print and broadcast media coverage of an unparalleled magnitude, which has earned members of the media hundreds of millions of dollars exploiting this family tragedy.

26. JonBenét's murderer has never been discovered, and criminal charges have never been filed against any individual in connection with her tragic, untimely, and brutal death.

The Official Exoneration of Burke Ramsey

27. Burke Ramsey did not kill his sister, JonBenét.

28. Burke Ramsey has never been a suspect or a possible suspect in the investigation into the murder of JonBenét.

29. The investigation of the murder of JonBenét included a grand jury investigation in Boulder County, Colorado, commencing in September of 1998 and ending in October of 1999, without criminal charges or indictments being brought against Burke Ramsey.

30. On numerous occasions, knowledgeable officials of the City of Boulder Police Department and the Boulder County District Attorney's office have publicly stated that Burke Ramsey was not a suspect in connection with his sister's murder and was not being looked at as a possible suspect.

31. In early 1998, former Boulder Police Chief Mark Beckner stated during a news conference that Burke Ramsey was not a suspect in JonBenét's murder and was not being looked at as a suspect.

32. In May 1999, former Boulder District Attorney Alexander M. Hunter issued a press statement that publicly and officially stated that Burke Ramsey was not a suspect in connection with the murder of his sister.

33. In a sworn affidavit dated October 12, 2000, Hunter reaffirmed that Burke Ramsey had never been a suspect in the investigation of the murder of his sister, said affidavit being attached hereto as Exhibit "A" and by reference made a part hereof.

34. In a 93-page order issued in 2003, the United States District Court for the Northern District of Georgia painstakingly analyzed the evidence of JonBenét's murder in connection with a contention in that litigation that Patsy Ramsey killed JonBenét. In an order entered on a motion for summary judgment, Federal Judge Julie Carnes declared that "the weight of the evidence is more consistent with a theory that an intruder murdered JonBenét." *Wolf v. Ramsey*, 253 F. Supp. 2d 1323, 1363 (N.D. Ga. 2003).

35. No physical evidence has ever existed that in any way linked Burke Ramsey to the murder of his sister or that caused Boulder police and prosecutors to consider him to be a viable suspect in the investigation of her murder.

36. In fact, Burke Ramsey has been exonerated by the evidence, including powerful DNA evidence of an unidentified intruder.

37. Investigators successfully analyzed DNA gathered from two separate garments, underwear and her pajama bottoms, worn by JonBenét when she was murdered and sexually assaulted.

38. That DNA evidence establishes that an individual who was not a Ramsey family member attacked JonBenét on the night of her murder.

39. The Boulder County District Attorney's office also specifically exonerated Burke's family in an open letter dated July 9, 2008, based on the DNA evidence. The former Boulder County District Attorney, Mary Lacy, declared that DNA "evidence convinces us that it is appropriate, given the circumstances of this case, to state that we do not consider your immediate family including you, your wife, Patsy, and your son, Burke, to be under any suspicion in the commission of this crime." Available at <http://gazette.com/text-of-boulder-county-district-attorney-mary-lacys-letter-to-john-ramsey/article/38047>.

40. In her open letter, former District Attorney Lacy further stated, "I am very comfortable that our conclusion that this evidence has vindicated your family is based firmly on all of the evidence, including the reliable forensic DNA evidence that has been developed as a result of advances in that scientific field during this investigation." *Id.*

The False and Defamatory Statements by Defendant Spitz

41. Defendant Spitz is a forensic pathologist who holds himself out, among many other high profile cases, as an "expert" regarding the murder of JonBenét.

42. Defendant Spitz has a disturbing pattern of false conclusions about the murder and sexual assault of young girls. Fortunately, juries have repeatedly rejected Defendant Spitz's false conclusions.

43. On or about September 19, 2016, Defendant Spitz provided an interview to CBS Detroit for, *inter alia*, a radio broadcast to the public in general (the "Interview"), in which he directly and without equivocation accused Burke Ramsey of killing JonBenét, his sister and his life's best friend.

44. During the Interview with CBS Detroit, Defendant Spitz made the following false and defamatory statement:

“If you really, really use your free time to think about this case, you cannot come to a different conclusion,” “It’s the boy who did it [i.e., killed JonBenét], whether he was jealous, or mentally unfit or something . . . I don’t know the why, I’m not a psychiatrist, but what I am sure about is what I know about him, that is what happened here.”

Defendant’s statements were published, *inter alia*, in the September 19, 2016, article published on CBS Detroit’s website entitled “JonBenét Ramsey Killer Was Her Brother Burke, Dr. Werner Spitz Believes,” which is attached hereto as Exhibit “B” and by reference made a part hereof (the “Article”).

45. According to the Article, Defendant Spitz also made the false and defamatory statement that “a child did” kill JonBenét,” and that she “was killed by her brother during some sort of late night confrontation.”

46. In the Interview, Defendant Spitz made the false and defamatory statement that Burke Ramsey had smeared a family bathroom with feces.

47. In the Interview, Defendant Spitz made the false and defamatory statement that Burke Ramsey had smeared JonBenét’s room with feces.

48. In the Interview, Defendant Spitz made the false statement that JonBenét was killed by a blow to the head.

49. In the Interview, Defendant Spitz made the false statement that claw marks around JonBenét’s neck predated her murder, rather than resulting from her struggles to free herself from the garrote.

50. In the Interview, Defendant Spitz falsely stated that JonBenét was not sexually assaulted when she was murdered.

51. The gist of Defendant Spitz's statements is that Burke Ramsey killed JonBenét, and that gist is false and defamatory.

52. Defendant Spitz negligently uttered the accusation that Burke Ramsey killed JonBenét.

53. Defendant Spitz uttered the accusation that Burke Ramsey killed JonBenét with a reckless disregard for truth or falsity.

54. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz had actual knowledge that no direct or physical evidence existed that in any way linked Burke Ramsey to the murder of JonBenét.

55. At the time he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz had actual knowledge that since at least 1998, Burke Ramsey has never been considered a suspect in the investigation into JonBenét's murder by the Boulder Police Department or the Boulder District Attorney's office.

56. At the time he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz had actual knowledge that officials with the Boulder Police Department and the Boulder District Attorney's Office had publicly and officially confirmed almost 18 years earlier that Burke Ramsey was not even a possible suspect.

57. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz had actual knowledge of the official autopsy determination that JonBenét's cause of death was asphyxiation from strangulation.

58. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz had actual knowledge that that JonBenét had been sexually assaulted when she was murdered.

59. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz had actual knowledge that investigators discovered foreign male DNA evidence from two separate garments, her underwear and pajama bottoms, worn by JonBenét at the time she was murdered and sexually assaulted.

60. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz had actual knowledge that the DNA found on the waistband of her pajama bottoms matched the DNA found in a blood spot in the crotch of her underwear.

61. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz recklessly disregarded the fact that Burke Ramsey and his family members had also been exonerated by DNA evidence.

62. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz recklessly relied on a finding that JonBenét had pineapple in her lower intestine while recklessly ignoring the subsequent testing that established that she had fruit cocktail in her lower intestine – a combination of pineapple, cherries and grapes.

63. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz recklessly relied upon false and unreliable reports that Burke Ramsey had smeared feces in a family bathroom and in JonBenét's room.

64. At the time when he uttered the false and defamatory accusations against Burke Ramsey, Defendant Spitz recklessly ignored the finding that JonBenét had claw marks on her neck and likely stun gun marks on her body.

65. Defendant Spitz knowingly uttered the false and defamatory accusation that Burke Ramsey killed JonBenét without any reliable, trustworthy or credible sources for said statements and without corroboration.

66. Defendant Spitz's accusations against Burke Ramsey are so inherently improbable on its face as to raise serious doubts about their truth.

67. Defendant Spitz uttered the false and defamatory statements about Burke Ramsey, in contradiction to established factual evidence.

68. Defendant Spitz intentionally uttered the false and defamatory statements about Burke Ramsey for the purpose of self-promotion and publicity.

69. Defendant Spitz has long sought to insert himself into the JonBenét Ramsey case as part of a historical pattern of self-promotion by making outrageous and unsupported statements to gain publicity in high profile cases.

70. Defendant Spitz harbored personal ill-will and spite toward the Ramsey family, including Burke Ramsey, because he believes the Ramsey family shut him out of the investigation—thereby frustrating his pursuit of self-promotion.

71. Defendant Spitz allowed CBS Detroit to record and disseminate the Interview.

72. CBS Detroit widely disseminated the Interview, including by broadcasting it on the radio, posting excerpts on the Internet, and posting excerpts in the Article on the Internet that quoted and paraphrased the Interview.

73. Defendant Spitz knew that CBS Detroit intended to widely disseminate the Interview on multiple mediums, including the radio and the internet.

74. CBS Detroit's repetition of Defendant Spitz's false and defamatory statements was the natural and probable result of his original publication of the false and defamatory statements.

75. On September 20, 2016, Burke Ramsey, through counsel, demanded that Defendant Spitz retract his false and defamatory statements, including the false accusation that

Burke Ramsey killed JonBenét. A copy of the retraction demand is attached hereto as Exhibit "C" and by reference made a part hereof.

76. Defendant Spitz refused to retract his false and defamatory statements.

CAUSE OF ACTION FOR DEFAMATION

77. Burke Ramsey reasserts and incorporates by reference Paragraphs 1 through 76 of this Complaint as if fully set forth here.

78. Defendant Spitz uttered false and defamatory statements concerning Burke Ramsey, including that the accusation that he killed his sister, JonBenét.

79. During the Interview, Defendant Spitz uttered the following false and defamatory statement:

"If you really, really use your free time to think about this case, you cannot come to a different conclusion," . . . "It's the boy who did it [i.e., killed JonBenét], whether he was jealous, or mentally unfit or something ... I don't know the why, I'm not a psychiatrist, but what I am sure about is what I know about him, that is what happened here."

80. During the interview, Defendant Spitz uttered the false and defamatory accusation that a child killed JonBenét, and that she was killed by her brother during some sort of late night confrontation.

81. Defendant Spitz published and communicated those false and defamatory statements concerning Burke Ramsey to third-parties and did so without privilege or authorization.

82. Defendant Spitz negligently published the false and defamatory statements concerning Burke Ramsey and published them with actual malice—i.e., with actual knowledge of the statements' falsity, and/or with reckless disregard for the falsity of the statements.

83. Defendant Spitz also published the false and defamatory statements concerning Burke Ramsey with common law malice—i.e., in bad faith and/or with ill-will towards Burke Ramsey.

84. Defendant Spitz's false and defamatory statements concerning Burke Ramsey are defamatory per se, thereby causing special harm to Burke Ramsey.

85. Defendant Spitz's false and defamatory statements about Burke Ramsey proximately caused him to be exposed to public hatred, contempt and ridicule and continue to so expose him.

86. Defendant Spitz's false and defamatory statements about Burke Ramsey were repeated and republished by CBS Detroit through multiple mediums, including a radio broadcast and dissemination worldwide on the Internet.

87. The republication of his false and defamatory statements about Burke Ramsey was reasonably foreseeable by Defendant Spitz at the time he uttered the statements in the Interview.

88. CBS Detroit's republications of Defendant Spitz's false and defamatory statements concerning Burke Ramsey were the natural and probable result of his original publication of those false and defamatory statements.

89. As a direct and proximate result of Defendant Spitz's false and defamatory statements, Burke Ramsey has suffered and will continue to suffer damage and other harm, including economic damages, damages to his reputation, mental anguish, and special damages.

90. As a result of Defendant Spitz's false and defamatory statements, Burke Ramsey is entitled to recover exemplary and/or punitive damages.

WHEREFORE, Plaintiff, Burke Ramsey, respectfully requests that this Court enter a judgment against Defendant, Werner U. Spitz, awarding Burke Ramsey compensatory damages in an amount not less than Fifty Million Dollars (\$50,000,000.00) and for exemplary and/or punitive damages to punish and deter Defendant Spitz in an amount not less than One Hundred Million Dollars (\$100,000,000.00), plus interest, attorneys' fees, and costs, ordering Defendant Spitz to remove and retract all defamatory statements concerning Burke Ramsey, ordering that Defendant Spitz cease and desist and be enjoined from ever again publishing the defamatory accusations against Burke Ramsey, and granting such other and further legal or equitable relief deemed appropriate.

Respectfully submitted,

By: 

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Attorneys for Plaintiff

Dated: October 6th, 2016

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims in this action triable by jury.

Respectfully submitted,

By: _____


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Attorneys for Plaintiff

Dated: October 6th, 2016

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AFFIDAVIT OF ALEXANDER M. HUNTER

STATE OF COLORADO,

COUNTY OF BOULDER

Personally appeared before the undersigned officer duly authorized by law to administer oaths, ALEXANDER M. HUNTER, who being first duly sworn, deposes and says as follows:

1.

My name is Alexander M. Hunter. I am over twenty-one (21) years of age and I am competent to make and give this Affidavit, and do so from personal knowledge.

2.

I am an attorney duly licensed in the State of Colorado. Since January 9, 1973, I have been the elected District Attorney for the Twentieth Judicial District, County of Boulder, State of Colorado.

3.

On or about December 26, 1996, JonBenet Ramsey, a six (6) year old minor child, was murdered in her home in Boulder, Colorado.

4.

Since the date of her death, I have been continuously involved in the investigation of JonBenet Ramsey's homicide.

5.

As part of the investigation into the murder of JonBenet Ramsey, questions about any possible involvement by her brother, Burke Ramsey, who was nine (9) years of age at the time of his sister's murder and who was one of the individuals present in the house at the time of her

murder, were raised and investigated as part of standard investigative practices and procedures.

6.

From December 26, 1996, to the date of this affidavit, no evidence has ever been developed in the investigation to justify elevating Burke Ramsey's status from that of witness to suspect.

7.

In May of 1999, I was made aware that tabloid newspapers had indicated that Burke Ramsey was a suspect in the murder of JonBenet Ramsey or was believed to be her killer. As a result of these articles, I was contacted by media representatives and I instructed my office to release a press statement which publicly and officially stated that Burke Ramsey was not a suspect in connection with the murder of his sister and that stated in part, "...almost a year ago (Boulder) Police Chief Mark Beckner stated during a news conference that Burke (Ramsey) was not a suspect and that we are not looking at him as a possible suspect. To this day Burke Ramsey is not a suspect." The information in the May 1999 press statement was true and correct.

8.

From December 26, 1996, to the present date, I have never engaged in plea bargain negotiations, talks or discussions with anyone in connection with the investigation into the murder of JonBenet Ramsey based in whole or in part on the premise that Burke Ramsey killed his sister. From December 26, 1996 to the present date, no member of my office has ever engaged in plea bargain negotiations, talks or discussions with anyone in connection with the investigation into the murder of JonBenet Ramsey based in whole or in part on the premise that Burke Ramsey killed his sister.

9.

I am aware that this Affidavit may be used by counsel for Burke Ramsey in connection with libel litigation brought on his behalf in various jurisdictions.

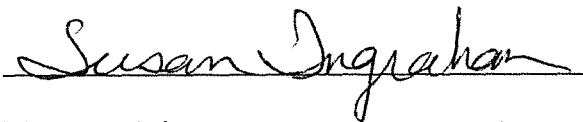
FURTHER AFFIANT SAYETH NOT.

This 12th Day of October, 2000.

A handwritten signature in black ink, appearing to read "A. M. Hunter", written over a horizontal line.

ALEXANDER M. HUNTER

Sworn to and subscribed before me
this 12th day of October, 2000.

A handwritten signature in black ink, appearing to read "Susan Ingraham", written over a horizontal line.

Notary Public

My commission expires 10/3/02

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JonBenét Ramsey Killer Was Her Brother Burke, Dr. Werner Spitz Believes

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By *Christy Strawser*

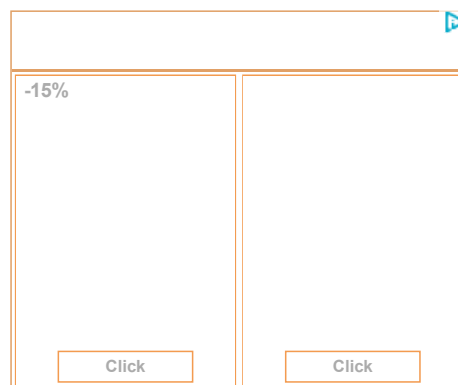
DETROIT (CBS Detroit) Near the 20th anniversary of JonBenét Ramsey's brutal death, famed expert Dr. Werner Spitz told CBS Detroit he has no doubt who killed her.



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Dr. Spitz, 89, a retired Wayne State University professor and world-renowned authority on causes of death, is serving as the pathology expert on a CBS series that re-visits one of the biggest unsolved crimes of the century.

On Monday night's premiere of the series "The Case Of: JonBenét Ramsey," Spitz forwarded a theory that Ramsey was killed by a heavy flashlight that was seen in crime scene photographs on the family's



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kitchen counter top the next day. He showed through demonstrations on the CBS special that the fatal injury to the 6-year-old's skull matched the flashlight's outer rim, though no DNA was ever discovered on the device.

The show's debut also revealed it didn't take much force for a heavy flashlight to crack a little girl's skull.

In fact, a child could do it.

And a child did, Spitz believes.



As seen on a monitor from the media room, Dr. Werner Spitz examines a photo of Renisha McBride's hands. (credit: Charlie Langton/WWJ)

In his opinion, JonBenét was killed by her brother during some sort of late night confrontation. Burke Ramsey, who was 9 years old when his sister died from a blow to the head followed by strangulation, has never been named by police or prosecutors as a suspect. In fact, the district attorney's office publicly cleared all members of the family

after mysterious male DNA was uncovered in the room where Ramsey's body was found and on items of her clothing.

"If you really, really use your free time to think about this case, you cannot come to a different conclusion," he told CBS Detroit. "It's the boy who did it, whether he was jealous, or mentally unfit or something ... I don't know the why, I'm not a psychiatrist, but what I am sure about is what I know about him, that is what happened here. And the parents changed the scene to make it look like something it wasn't.

"At the end of the day, it is the most sad story."

Burke, now a 29-year-old man who works on computers, [spoke publicly for the first time about his sister's death with Dr. Phil last week](#). He said he knows many believe Jon Benet was killed by a member of the family, but sharply denies that anyone in the house played a role.

JonBenét Ramsey was found Dec. 26, 1996, in the family's basement covered by a soft blanket with her hands tied loosely over her head and a garrote around her neck. She had died from a fractured skull, that Spitz believes happened before the rest of the scene was "staged."

She was probably killed somewhere other than the basement, he added.

A bizarre, rambling ransom note that some experts believe was written by mother Patsy Ramsey [was discovered on a staircase](#) before the child's body was found. For JonBenét's return, it requested \$118,000 in cash — which closely matched the Christmas bonus recently received by the wealthy father John Ramsey. A draft of the note was found in a trash can in the family's Boulder, Colo., home.



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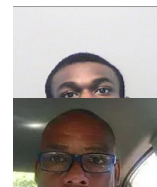
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“They, I mean the police department over there, were quite aware of who the killer is likely to be, from inception almost,” Dr. Spitz said. “They came here to Detroit to talk to me, they had me come down there, we talked about the incident ... It was probably the mother or the brother, now it turns out.”

The parents gave several press conferences before Patsy Ramsey’s death from cancer in 2006, avidly disavowing any role in their daughter’s death. John Ramsey, who maintained a home in Charlevoix, Mich., ran unsuccessfully for the Michigan legislature and continues to speak out periodically against any allegation of wrongdoing lobbed at the family.

Notably, by Colorado law, no one who was under the age of 10 at the time of a crime can be charged with homicide, Spitz said.

Spitz adds that more details will emerge in the second part of the CBS special about Burke Ramsey, including allegations he had previously smeared a family bathroom and his beauty queen sister’s bedroom with feces.

“The brother has a mental problem,” Dr. Spitz says, adding, “The brother is not exactly thinking straight, the behavior is ... of somebody who’s got a problem. When I think of putting feces in the sister’s bed ... He was doing that.”

Cause of Death

There have been questions about whether JonBenet was killed by the blow to the head or the cord around her neck. Some believe small marks above the cord on her neck are nail marks, signifying that Jon Benet was clawing at her own neck while it was being drawn tight.

Dr. Spitz disagrees with that allegation, believing she was killed first by the fractured skull before the garrote was placed around her neck.

“And the parents embellished it by changing the scene,” he told CBS Detroit. “I do not believe that they changed the scene in such a way that they put claw marks on the neck. There were some scratch marks on the neck, that is true, but the flashing light on the back of the head was a fatal blow. If it wasn’t immediately, it was fatal from the brain swelling that took a few seconds.”

He added the marks on her neck could have come from the necklace she was wearing, or from someone else scratching at her neck.

He also disagrees with allegations of sexual abuse.

“I don’t think she was sexually abused in the past, but what I do know is there was a sliver of wood in her vagina and the sliver of wood comes, most likely, from the handle of a brush, the paint brush that the mother used for painting, that was broken off and used as a one-sided handle on the garrote,” he said.

He added: "All those things, the blow on the head, other activities, were put in place to change an inquiry by professionals."

Note that these are Spitz's opinions based on a review of the records and have not been proven — or even alleged — in a court of law. A grand jury indicted the parents on charges related to Jon Benet's death, but the prosecutor decided not to take the case to court.

'They wanted to protect the son'

For his part, Spitz has consulted and served as an expert on some of the biggest crime cases in American history. He conducted an official review of the Warren Commission decision on the death of John F. Kennedy, where he agreed with the lone gunman finding but said the autopsy was botched. He also testified in the O.J. Simpson civil trial, and in the case of Mary Jo Kopechne, who died in an accident in Ted Kennedy's car.

In this case, Boulder police called him immediately to help with the investigation. He was nearby on another case in Denver, Colo., but the Ramseys refused in the immediate aftermath of JonBenet's death to let him sit in on the autopsy or visit the house as a crime scene, he said.

"I said to them, on the way from Denver to Boulder, I said I'm really like to see personally what the distances (are from) the basement where the body was, the entrance lobby and so on. And so we go there. I knew the house from the newspapers, I knew what the house looked like. The officer says to me 'I'm sorry to tell you the family doesn't want you to go in there.'"

He added that "no one of any standing" was allowed to view the autopsy.

Key rooms in the family's home was reconstructed for the CBS special, which had a finale at 9 p.m. Tuesday, airing locally on CBS 62. And that reconstruction only cemented his opinion of what happened that night in that home.

The rest of the experts on the series, including a Scotland Yard detective, a DNA expert, and other specialists on behavior and profiling, all agreed Burke Ramsey was the most likely suspect.

"They wanted to protect the son," Dr. Spitz said, adding, "Yes, that's my personal opinion, and it's based on a lot of things I'm aware of that have not really come out (before) in so many words."

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September 20, 2016

VIA FEDERAL EXPRESS, CERTIFIED MAIL, U.S. MAIL, AND FACSIMILE

Dr. Werner U. Spitz
23001 Greater Mack Ave
Saint Clair Shores, MI 48080
Facsimile: (586) 776-8722

Re: *Burke Ramsey* – False and Defamatory Statements made to CBS Detroit

Dear Dr. Spitz:

As you know, I represent Burke Ramsey in matters relating to defamation and slander with respect to the murder of his sister, JonBenét Ramsey. This letter constitutes Burke Ramsey's retraction demand based on an interview that you provided to CBS Detroit, which was published on September 19, 2016, at <http://detroit.cbslocal.com/2016/09/19/jon-benet-ramsey-killer-was-in-the-family-dr-werner-spitz-believes/> (the "Article").

The Article quotes you as the source for the following false and defamatory statements about Burke Ramsey (the "False Statements"):

- (1) "Near the 20th anniversary of JonBenét Ramsey's brutal death, famed expert Dr. Werner Spitz told CBS Detroit he has no doubt who killed her."
- (2) "The show's debut also revealed it didn't take much force for a heavy flashlight to crack a little girl's [sic] skull. In fact, a child could do it. And a child did, Spitz believes."
- (3) "In his opinion, JonBenét was killed by her brother during some sort of late night confrontation."
- (4) "'If you really, really use your free time to think about this case, you cannot come to a different conclusion,' he told CBS Detroit. 'It's the boy who did it, whether he was jealous, or mentally unfit or something . . . I don't know the why, I'm not a psychiatrist, but what I am sure about is what I know about him, that is what happened here. And the parents changed the scene to make it look like something it wasn't.'"
- (5) "'They, I mean the police department over there, were quite aware of who the killer is likely to be, from inception almost,' Dr. Spitz said. '. . . It was probably the mother or the brother, now it turns out.'"

- (6) “‘They wanted to protect the son,’ Dr. Spitz said, adding, ‘Yes, that’s my personal opinion, and it’s based on a lot of things I’m aware of that have not really come out (before) in so many words.’”

To afford you the opportunity to mitigate damages, and in accordance with Michigan Statute 600.2911(2)(b), I hereby demand on behalf of Burke Ramsey that, on or before Wednesday, September 28, 2016, you retract the False Statements that you made to CBS Detroit. The retraction should be published or communicated in substantially the same manner as the original libel. Please provide proof to me by 6:00 pm EDT on Wednesday, September 28, 2016, that you have provided such a retraction to CBS Detroit.

Additionally, you are hereby directed to preserve any and all evidence related in any way to your communications with CBS Detroit or the basis for the False Statements, and you are directed not to destroy, conceal, or alter any paper or electronic files, physical evidence, and/or other data generated, relating in any way, no matter how remote, to the Article and your statements to CBS Detroit related to the subject matter of the Article, including, but not limited to (1) all sources for the basis of the False Statements made in the Article, (2) any and all documents referring to, reflecting, or relating to communications between you and any employee of CBS Detroit, and (3) any and all documents referring to, reflecting, or relating to communications between you and my client and between you and any third party regarding the Article and the False Statements made by you to CBS Detroit. This preservation demand specifically encompasses any and all electronic documents, including but not limited to all word-processed files, e-mails, spreadsheets, all databases, and any other electronically stored and/or generated documents or files.

Govern yourself accordingly.

Sincerely,



L. Lin Wood

cc: Mr. Burke Ramsey
Mr. John Ramsey
Nicole Jennings Wade, Esq.