

Camera



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Local, 1B

Midyette appeal

Molly Midyette juror speaks

Gibbs: Abuse allegations 'not even relevant'

By Vanessa Miller
Camera Staff Writer

A juror who sat through Molly Midyette's trial three years ago and agreed to convict her of child abuse resulting in death is speaking out as attorneys fight for a new trial for the former Louisville woman.

Kimberly Gibbs, one of 12 jurors for Midyette's December 2007 trial, said she thinks allegations that the 32-year-old mother should be granted a new trial because she was emotionally abused and manipulated by her father-in-law, her husband and their attorneys are irrelevant.

"The victim in this tragedy was baby Jason, who was beaten to death," Gibbs wrote in a letter to the editor. "Molly's abuse in no way absolved her of the obligation to care for her child and speak the truth."

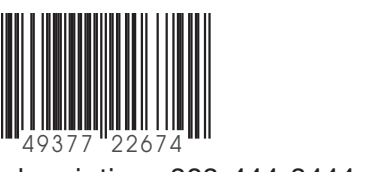
Gibbs told the Camera on Monday that the entire jury assumed Midyette's husband, Alex Midyette, was abusive.

"But that doesn't change any of the facts of the case," she said. "That's not even relevant. For her to seek mercy at this point, when she had plenty of opportunities before the trial ... It's unconscionable to me."

Molly Midyette was convicted of child abuse resulting in death for not getting help in time for her

See **JUROR, 2A**

Weather
High: 52° | Low: 25°
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Complete details on **8C**



Subscriptions 303-444-3444
Complete index, **Page 2A**

Gadhafi goes on the attack

Witnesses report helicopters and jets firing on protesters

Camera wire services

CAIRO — The faltering government of the Libyan strongman Moammar Gadhafi struck back at mounting protests against his 40-year rule, as security forces and militiamen backed by helicopters and warplanes besieged parts of the capital Monday, according to witnesses and news reports from Tripoli.

By Monday night, witnesses said, the streets of the capital, Tripoli, were thick with special forces loyal to Gadhafi as well as mercenaries. They shot freely as planes dropped what witnesses described as "small bombs" and helicopters fired on protesters.

Hundreds of Gadhafi supporters took over Green Square after truckloads of militiamen arrived and opened fire on protesters, scattering them from the square. Residents said they now feared even to emerge from their houses.

"It was an obscene amount of gunfire," said the witness. "They were strafing these people. People were running in every direction."

The police stood by and watched, the witness said, as the militiamen, still shooting, chased after the protesters.

The escalation of the conflict came after six days of revolt that began in

See **LIBYAN, 3A**



Residents stand on a tank holding a flag inside a security forces compound in Benghazi, Libya, on Monday. Libyan protesters celebrated in the streets of Benghazi on Monday, claiming control of the country's second largest city after bloody fighting.

At Eldora, free to ski



Julie Picha, of Littleton, helps her son Tyler, 4, down the bunny slope at Eldora Mountain Resort on Monday. Of the skiers and boarders at Eldora on Presidents Day, 224 of them took advantage of the new "Ski Free" promotion.

Promotion brings out the skiers

By Laura Snider
Camera Staff Writer

Hundreds of people skied Eldora for free Monday on the first day of the resort's new promotion, which allows customers to trade in a ticket from another ski area for a free Eldora pass.

"We're trying to get people who haven't skied here in a number of years, or who have never skied here, to give us a try," said Eldora spokesman Rob Linde. "We're realizing that there are a lot of people in the Front Range that have never been up here."

Eldora's parking lot was packed for

the sunny — and breezy — Presidents Day. And of the skiers and boarders on the slopes, 224 of them took advantage of the "Ski Free" promotion.

Paul Skinner drove up from Colorado Springs to ride his snowboard at Eldora after his wife found the free-ticket offer on the Internet on Sunday night. Skinner — whose one other experience at Eldora included high winds and low visibility — traded in one of his four-pack of tickets to Loveland to give the resort a second try.

"I had gotten cold feet (at

See **ELDORA, 4A**

How it works

To get a free lift ticket from Eldora, bring your ticket or season pass from another resort to the ticket window in front of Timber Lodge. You'll need to fill out a Ski Free ticket form and show a valid ID. The offer is good Sundays through Fridays for a limited time, and an end date has not yet been announced. Eldora will keep whatever lift ticket is being exchanged for a free pass. For more information, visit eldora.com/promo.html.

Boulder eateries feel the pinch of produce prices

Fueled by cold snap, rising costs lead to menu changes

By Elise Trivers
For the Camera

With a brutal cold snap having hit several key agricultural states this winter, Boulder-area bars and restaurants are dealing with rising produce prices and shortages that have

forced some establishments to alter their menus.

Subzero temperatures already have cost Florida — a major producer of winter fruits and vegetables, including limes, lettuce and strawberries — more than \$273 million in ravaged crops, according to the Florida Department of Agriculture.

"Every time there is a freeze, depending on which part of the country and which fresh products come from

See **PRODUCE, 2A**



Sophia Ibarra cuts the pit out of avocados Monday at the Rio Grande Mexican Restaurant. Freezing temperatures have been affecting produce prices, leading some Boulder restaurants to alter their menus.
Chancey Bush
For the Camera

Medical marijuana First pot shop obtains license

More than 100 applications still pending before city officials

By Heath Urie
Camera Staff Writer

Boulder's first medical marijuana business license has been issued to a downtown dispensary, marking a milestone in the industry's ongoing quest for acceptance and legitimacy.

Good Humor Meds, located at 720 Pearl St., received its operating license from the city's deputy clerk at about 4 p.m. Friday. The business is the first of 117 pending applications to operate a medical marijuana dispensary in Boulder to gain formal approval.

"It's been a long, hard road," said Ray Mayer, who runs the Boulder-based Cannabis Consulting Group. "Just to try and go through the compliance issues is unimaginable."

Mayer worked with businessman Mark Natichioni — a former construction worker from Placerville, a small town located about

See **BOULDER, 4A**

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Places to go
and things to do

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TEENS

YMCA BreakThrough Arts Free Graffiti Class for Teens | This class focuses on one of the four elements of hip-hop — graffiti. Discuss the importance of style, technique and the history of graffiti. Review the alphabet and utilize and practice urban calligraphy to create new ways any letter or character can be drawn or written. Also, learn how other artist applied the knowledge and skills for commercial marketing or fine art exhibiting, 4:15 p.m., New Vista High School, 700 20th St., Boulder, free; 303-443-4474 ext. 4650.

YMCA BreakThrough Arts Free Hip-Hop Dance Class for Teens | This class will teach you the elements of hip-hop dance. All you need to bring is yourself and the willingness to be the best you can be, 3:45 p.m., Mapleton YMCA, 2850 Mapleton Ave., Boulder, free; 303-442-2778.

OUTDOOR & TRAVEL

A Practical Guide to the Camino de Santiago: A Walk Across Spain | The Camino de Santiago is a spiritual and physical journey through time and across about 450 miles of northern Spain. Join Gene McCullough, who has walked the Camino Francés and the Camino Portugués to learn about the history of this walk and spiritual passage along with the practicalities of actually carrying it out, 6:30 p.m., REI Boulder, 1789 28th St., Boulder; 303-583-9970.

Slideshow Tour With Chris Morris | A slide show and lecture presented by mountaineer and Flatiron Athletic Club trainer, Chris Morris, as he shares his experiences with his recent climbing trips from around the globe. Trek stories will include: A climb and ski adventure to Mount Elbrus in Russia's Cau-

PICK OF THE DAY



Courtesy photo
Composer Daniel Kellogg.

Faculty focus

Faculty Tuesday presents "Five Singers and 14 Bassoons," compositions by Daniel Kellogg. This recital will feature newly orchestrated excerpts of Kellogg's recent opera "The Autumn Orchard." The program also includes "Ceremony After A Fire Raid" for tenor and piano based on the poem by Dylan Thomas, a preview of a new song cycle for mezzo-soprano and piano, and "Canticle for the Earth" for 14 bassoons, 7:30-9:30 p.m. today, CU campus, Imig Music, Grusin Music Hall, 1020 18th St., Boulder, free and open to the public; 303-492-8008.

casus Mountains with blind climber Erik Weiheymayer; The Soldiers to the Summit expedition to Nepal with injured veterans from the Iraq and Afghanistan Wars; and the climb of Mount Everest with Erik Weiheymayer, 6:30 p.m., Flatiron Athletic Club, 505 Thunderbird Drive, Boulder, free; 303-499-6590.

HEALTH

Avista Hosts Free Spinal Disorders Seminar | Avista Adventist Hospital is hosting a free seminar on back pain. Dr. Matthew Gerlach, orthopedic spine surgeon, will speak on new minimally invasive spine procedures which are less traumatic, less painful and offer faster recovery time than back surgery, 11:30 a.m. to 1 p.m., Avista Adventist Hospital, in the Spicer Room, 100 Health Park Drive, Louisville, free. To register, call 303-661-4310.

MUSIC & CONCERTS

Del Tha Funky Homosapien and Ugly Duckling | 8:30 p.m., Fox Theatre, 1135 13th St., Boulder, \$16 in advance, \$20 day of show; 303-443-3399.

Concert 4 Kabul | 7:30 p.m., Nissi's Live Music & Bistro, 2675 N. Park Dr., Lafayette, \$10/\$12; 303-665-2757.

Bluegrass pick: all levels welcome | 8 p.m., Oskar Blues Brewery, 303 Main St., Lyons, free; 303-823-6685.

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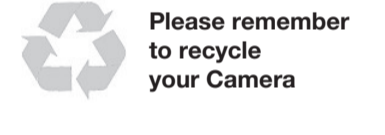
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Juror from Molly Midyette's trial speaks out

Continued from 1A

10-week-old son, Jason, who died in February 2006 with multiple broken bones and brain damage. She was sentenced to 16 years in prison and is eligible for parole in 2014.

Alex Midyette also was sentenced to 16 years in prison after he was convicted of criminally negligent child abuse resulting in death in a separate trial. He's first eligible for parole in 2016.

During their trials, both Midyettes said there had to be a medical explanation for Jason's death. But in a 129-page pleading filed last month in Boulder County District Court, Molly Midyette's new attorneys Alison Ruttenberg and Thomas Carberry said their client suspected her husband caused their son's death. The pleading argues that

Molly Midyette's trial lawyers were ineffective because they should have told jurors of her suspicions about her husband and should have worked out a plea deal with prosecutors in exchange for her testimony against Alex Midyette.

Some community members and Molly Midyette's friends have come out in support of her appeal for a new trial.

"The vulnerability a victim feels at the hands of an abuser overrides all other considerations," Colette Heun, who said she's known Molly Midyette for years, wrote in a letter to the editor. "Hence, Molly was not appropriately represented at her trial and has been convicted of a crime she did not commit."

Gibbs said she had to speak out about what she heard throughout Molly Midyette's trial because she feels so strongly that the guilty verdict

was correct and that a new trial is not necessary.

"It would be a waste of taxpayer money because the evidence is so strong," she said.

Regardless of what Molly Midyette was experiencing outside the courtroom, Gibbs said, she chose to lie about her suspicions of her husband at trial. Even if she was being intimidated, Gibbs told the Camera, she could have done the right thing.

"I totally understand that women are vulnerable after they have a child," she said. "But that is something completely different. This was her actively trying to cover up the abuse of a child. And after the child is dead, choosing to lie and lie and lie."

Gibbs said that during the trial, she held out hope that Molly Midyette's testimony would provide some sort of explanation.

"But it was Molly's own testimony which sealed her fate," Gibbs said. "My heart sank when, at the end of questioning, prosecutor (Colette) Cribari asked Molly if she had any thoughts on what might have caused all those injuries, to which she replied, 'I have no idea.'"

Even though the jury took its time going through all the evidence, Gibbs said, it was ready to return a guilty verdict within an hour. She said there is no need to put another jury through such heart-wrenching testimony.

"That trial was a life-changing event for me," she said. "I would hate for anyone else to have to go through that."

Ruttenberg, one of the attorneys representing Midyette pro bono in her quest for a new trial, said no one denies that Jason is the victim in the case and all the facts should

have been brought to light the first time around. But they weren't, she said, due to ineffective counsel and interference from her husband, his family and his attorney.

"What the jury thinks now is irrelevant," Ruttenberg said. "This is a legal issue."

Molly Midyette was told that if she shared her theory that the baby was abused, or said anything negative about Alex Midyette, she would have no job, no home and no car, according to Ruttenberg. She said it's easy to point fingers and say Molly Midyette should have done the right thing.

"But we will present testimony so that people can understand why it is that an upper-class woman can be intimidated," Ruttenberg said.

Cribari, a former deputy district attorney who helped pros-

ecute the case, said she doesn't think Molly Midyette was the victim of spousal abuse. Cribari said Midyette made her own decisions.

"She had an opportunity to say what was going on, and she chose not to go in that direction," Cribari said Monday. "Now that she's been found guilty, all this stuff is coming out."

District Attorney Stan Garnett said Molly Midyette was represented by excellent defense attorneys, and he has confidence in the trial process. Still, he said, "I will not object to Ms. Midyette receiving a full hearing on post-trial matters at the appropriate time before an appropriate court."

Attorneys are waiting for an appellate court to rule whether a district court judge should hear the arguments for a new trial. There's no timeline for when that decision might come.

Produce prices pinch eateries

Continued from 1A

that part of the country, it does have an affect on price," said Pete Meersman, president and CEO of the Colorado Restaurant Association. "They only grow as much as they can sell, so it's a supply-and-demand thing."

"When demand goes up, prices go up. It's basic economics."

And those rising prices out of Florida are being felt in Boulder, said Jason Brownhill, kitchen manager at the Rio Grande Mexican Restaurant on Walnut Street.

"Lettuce was one that we did get a pretty big spike in price during that freeze,"

Brownhill said. "Limes have been creeping up, with a pretty big jump a little bit ago during the freeze, but they've stabilized and come down a little bit."

"Citrus is always one that varies by the weather and the growing seasons."

Other states — such as California, Texas and Arizona — that provide produce to Colorado also underwent a tough winter, causing some prices to rise.

"In the past few months we've been experiencing unusually cold weather," said Lenny Martinelli, owner of several Boulder eateries, including Leaf Vegetarian Restaurant and Aji Restaurant.

"We've definitely been seeing our produce prices reflect these prices."

Martinelli, who also owns the Huckleberry and Zucca Ristorante in Louisville, said he usually tries to not raise prices in his restaurants when ingredients become more expensive, opting for other methods to cope with price instability.

"Strawberries just got killed, so we just took strawberries off the menu in a couple of restaurants," he said.

Martinelli also said that using more generic descriptions on menus allows his chefs to be flexible with ingredients, and pick things that are more readily available.

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