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| STATE OF NORTH CAROLINA Mecklenburg County | MECKLENBURG COUNTY File No. FILED #64 AUG 28 2017 AT _____ O'CLOCK _____ M BY _____ CLERK OF SUPERIOR COURT | 17CVS 15949 IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION |
| IN THE MATTER OF <i>Name And Address of Petitioner</i> DOUG MILLER 8812 KINGSTON FOREST DR. CHARLOTTE NC | ORDER REQUIRING CUSTODIAL LAW ENFORCEMENT AGENCY TO TRANSMIT LAW ENFORCEMENT AGENCY RECORDING AND TO PROVIDE REQUIRED NOTICE | |
| This matter is before the undersigned Superior Court Judge on a: | | |
| <input checked="" type="checkbox"/> Petition for Release of a Law Enforcement Agency Recording under Ch. 132 of the N.C. General Statutes <input type="checkbox"/> Petition on Review of Disclosure Denial of a Law Enforcement Agency Recording under Ch. 132 of the N.C. General Statutes | | |
| ORDER | | |
| 1. The head of <u>CMPD</u> (Custodial Law Enforcement Agency) is ordered to provide to the Court a copy of the Law Enforcement Agency Recording identified in the attached Petition. If the Law Enforcement Agency Recording identified in the attached Petition does not exist, the Law Enforcement Agency shall provide to the Court an explanation on the Transmittal of Law Enforcement Agency Recording form. | | |
| 2. The copy of the Law Enforcement Agency Recording shall be provided to Superior Court judicial assistant located in the Judges' Office on the 9 th Floor of the Mecklenburg County Courthouse on or before <u>8-30-17</u> , along with a list of all Law Enforcement Agency personnel whose image or voice is in the recording. In the event the custodial Law Enforcement Agency is unable to identify all voices or images of Law Enforcement Agency personnel in the recording, the head of the Law Enforcement Agency shall identify to the Court where in the recording the unidentifiable voice or image appears. The copy of the Law Enforcement Agency Recording and the list of all Law Enforcement Agency personnel whose image or voice is in the recording shall be delivered to Superior Court judicial assistant in a sealed envelope with the Transmittal form attached to the outside of the sealed envelope. The custodial Law Enforcement Agency shall provide the recording to the Court in a file format supported by the NC Administrative Office of the Courts or shall provide the means to conduct an in camera review of the recording. | | |
| 3. The copy of the Law Enforcement Agency Recording and the list of all Law Enforcement Agency personnel whose image or voice is in the recording delivered to the Court pursuant to this Order shall not be open to inspection or copy by any person except to the Superior Court Judge conducting the hearing, until ordered released or disclosed by the presiding Superior Court Judge. | | |
| 4. The head of the custodial Law Enforcement Agency is hereby ordered upon receipt of this Order, to give Notice of the Petition and Hearing to any Law Enforcement Agency personnel whose image or voice is in the recording and to the head of that person's employing Law Enforcement Agency. In the event the Law Enforcement Agency is unable to give Notice to all Law Enforcement Agency personnel whose image or voice is in the recording, the Law Enforcement Agency shall state the same in the Certificate of Service and provide an explanation as to why Notice was not given, on the personnel list to be included with the copy of the Law Enforcement Agency recording. | | |
| 5. Other (if applicable): _____ | | |
| NOTICE OF HEARING | | |
| It is hereby ordered that a hearing on the Petition in this matter is set on <u>TBD</u> at _____ in Courtroom _____, of the Mecklenburg County Courthouse, 832 East 4 th Street, Charlotte, North Carolina 28202. | | |
| SIGNATURE OF SUPERIOR COURT JUDGE | | |
| Date 8/28/2017 | Name of Superior Court Judge (Type Or Print) Daniel Kuehnert | Signature of Superior Court Judge (Type Or Print) <i>Daniel Kuehnert</i> |

CERTIFICATE OF SERVICE

I certify that a copy of this Order was served on the Petitioner as set out below:

- By Facsimile to Petitioner's Attorney:
- By Regular Mail, US postage prepaid, addressed as follows:

I certify that a copy of this Order was served on the Head of the Custodial Law Enforcement Agency as set out below:

- By Facsimile to the Head of the Agency's Attorney:
- By Regular Mail, US postage prepaid, addressed as follows:

I certify that a copy of this Order was served on the District Attorney as set out below:

- By Facsimile to the District Attorney:
- By Regular Mail, US postage prepaid, addressed as follows:

Date:

Name:

Signature:

STATE OF NORTH CAROLINA

File No.

17 CV5 15955

Mecklenburg County

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN THE MATTER OF:

Name of Petitioner

DOUG MILLER

2017 AUG 28 P 2:29

PETITION FOR RELEASE
OF A LAW ENFORCEMENT AGENCY
RECORDING

MECKLENBURG CO., C.S.C.
BY _____

Address

8812 KINGSTON FOREST DR.

City, State, Zip:

CHARLOTTE, NC 28277

G.S. 132-1.4A(e)(1) – Person authorized to receive disclosure (No filing fee)

Phone No., Fax, Email

G.S. 132-1.4A(f) – General

704-737-4011 dmiller@charlotteobserver.com

I, DOUG MILLER, hereby state as follows (select one):

- Petitioner is a person whose image or voice is in the recording
- Petitioner is a personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure
- Petitioner is a personal representative of a minor or adult person under lawful guardianship whose image or voice is in the recording
- Petitioner is a personal representative of a deceased person whose image or voice is in the recording
- Petitioner is a personal representative of an adult person who is incapacitated and unable to provide consent to disclosure
- Petitioner is the custodial law enforcement agency
- Petitioner is citizen
- The custodial law enforcement agency is CMPD

I am requesting the release of the following recording (Include date and approximate time of activity captured in the recording, or otherwise identify the activity with particularity sufficient to identify the recording at issue, such as location and law enforcement officer's name):

SEE ATTACHED

Certificate of Service

I certify that a filed copy of this Petition was served on the head of the custodial law enforcement agency as follows:

Personal Delivery

By Regular Mail, US postage prepaid, addressed as follows:

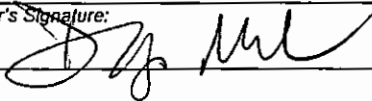
Certificate of Service

I certify that a filed copy of this Petition was served on the District Attorney as follows:

Personal Delivery

By Regular Mail, US postage prepaid, addressed as follows:

Date: 8/28/17

Petitioner's Signature: 

I am requesting the release of the following recording (Include date and approximate time of activity captured in the recording, or otherwise identify the activity with particularity sufficient to identify the recording at issue, such as location and law enforcement officer's name):

I am seeking video related to protests and demonstrations following the Sept. 20, 2016 police shooting of Keith Lamont Scott. The activity followed the shooting and continued intermittently through Sept. 24.

We considered seeking the total video available. But after consultation with CMPD, we were informed that there were "boiling points" at different locations we had asked about, and, based upon that consultation with CMPD, our request is for the following videos from the following locations and times:

- Helicopter/Old Concord Rd., 9/20, 22:01 to 22:08 (1st part of Video); 2nd part 22:38 to 23:01. (Footage from CMPD helicopter.)
- I/85 Protest, 9/21, 01:56 to 02:14. (Traffic camera footage from WT Harris, big crowd on interstate.)
- Trade and Tryon, 9/21, 16:42 to 17:03. (Large group, non-violent protest.)
- Epicenter, 9/21, 19:47 to 20:04. (Thick crowd moving at rapid pace leaving Epicenter and then coming back.)
- Law Enforcement Center, 9/21, 19:57 to 20:20. (In front of police station, Trade and Caldwell streets, a group moving from the LEC toward the Transit Center.)
- Omni, 9/21, 20:28 to 20:39. (Large group outside Omni.)
- Transit Area, 9/21, 2 separate videos, 1st – 23:32 to 23:56 and 2nd is 23:57 to 00:01.
- Marshall Park, 9/24, 13:38 to 13:59. (Organized protest.)