

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 22 CVS 6477

MOTION FOR ORDER TO SHOW CAUSE

1. On May 26, 2022, a Petition for Release of Custodial Law Enforcement Agency Recording seeking the release of recordings of an incident from April 14, 2020 in which the Petitioner was arrested was filed by the Petitioner in this matter.
2. On June 8, 2022, an order was issued by the court directing the Raleigh Police Department ("RPD") and the North Carolina State Capitol Police ("State Capitol Police") to provide any law enforcement recordings of the incident in question by June 17, 2022. The same order set a hearing in the matter for June 30, 2022.
3. On June 30, 2022, this matter was heard and an Order on Petition for Release of Custodial Law Enforcement Agency Recording was entered by Judge Gregory on July 25, 2022 pursuant to this hearing authorizing the release of the recordings to the Petitioner. *See* Exhibit A.
4. The Order on Petition for Release of Custodial Law Enforcement Agency Recording specifies that "[t]he recordings may only be used to obtain evidence, or as evidence, to determine legal issues in potential/pending legal proceedings and may not be disseminated publicly without further order of the Court."
5. That no further orders were issued by the Court in this matter following the issuance of the Order on Petition for Release of Custodial Law Enforcement Agency Recording.
6. On April 14, 2023, it was brought to the Respondent's attention by RPD that an edited version of the footage released pursuant to this petition had been made available to the public via Twitter. A review of the public link on Twitter confirmed that the footage was part of the recordings that were released pursuant to the Order on Petition for Release of Custodial Law Enforcement Agency Recording and was made available publicly without the consent of the Court or of the Respondent. In addition, further examination showed that the recordings published had been substantially edited. *See* Exhibit B.
7. That same day, Respondent contacted counsel for the Petitioner via email with regards to this matter. This email, which contains contact information for the Respondent, Wake County District Attorney Lorrin Freeman, and Ashby Ray, Counsel for the North Carolina Department of Public Safety, was subsequently



forwarded to an individual who shared it on Twitter on April 15, 2023. *See* Exhibit C.

8. The Twitter account of the individual who shared this information has also encouraged donations to the Petitioner's legal defense fund. *See* Exhibit D.
9. Further searches conducted by the Respondent showed that excerpts of the recordings were also shared on YouTube on April 14, 2023. *See* Exhibit E.
10. The law governing the disclosure and release of agency recordings is explicitly governed by N.C.G.S. Sec. 132-1.4A. Among other things, N.C.G.S. Sec. 132-1.4A clearly states that agency recordings are not public records and shall not be released but by order of the Court. The Court may place any conditions or restrictions on the release of recordings that the court, in its discretion, deems appropriate.
11. Respondent seeks an order to be entered holding Petitioner in contempt of court for their failure to comply with the July 25, 2022 Order.
12. Because the recordings are at risk for widespread dissemination, good cause has been shown to set this matter for hearing at the earliest possible date.

WHEREFORE, Respondent prays that the Court:

1. Find Petitioner in willful contempt of this Court for her failure to comply with the terms of the Order entered on July 25, 2022, and issue an order requiring Petitioner to show cause, if any, why she should not be held in willful contempt of this Court
2. Grant Respondent such other and further relief as the Court may deem just and proper.

Respectfully submitted this the 17th day of April, 2023

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