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2023 FEB 24 A 8:40

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 23 CVS00356

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

In the Matter of Custodial Law Enforcement )  
Recordings Sough By ACLU of North )  
Carolina, Freedom of the Press Foundation, )  
and Committee to Protect Journalists )  
)  
)

**CONSENT ORDER**

NOW COMES the American Civil Liberties Union of North Carolina, the Freedom of the Press Foundation, the Committee to Protect Journalists (collectively, "Petitioners/Plaintiffs"), the City of Asheville ("the City"), and David Zack, Chief of Police of the Asheville Police Department ("APD"), through counsel, and hereby stipulate to the entry of this Consent Order authorizing release of law enforcement recordings in the custody of the Asheville Police Department to the general public.

Following the Court's February 20, 2023 hearing on this matter, Counsel for the parties hereby stipulate and agree to the following statements of fact, which authorize the Court's entry of this Consent Order:


1. On January 24, 2023, Petitioners/Plaintiffs, through counsel, filed a Petition requesting the Court authorize release of certain law enforcement recordings held by the APD; specifically, recordings relating to the arrests of Matilda Bliss and Melissa "Veronica" Coit, on December 25, 2021.
2. Chief Zack and the City agree with Petitioners/Plaintiffs that releasing these recordings will provide the public with objective and non-biased information about these arrests.
3. Such recordings include, and are limited to, all recordings maintained by the APD within its computer system under case number 21-027316, excepting recordings containing the image and/or voice of any member of the Buncombe County Sheriff's Office.
4. Buncombe County District Attorney Todd Williams has informed both Petitioners/Plaintiffs and the City that releasing the requested recordings to the public will

not interfere with the prosecution of any pending criminal matter, and that he does not object to the release.


5. Following the North Carolina Court of Appeals decision in *Matter of Custodial Law Enf't Agency Recordings*, No. COA22-446, 2023 WL 1794088 (N.C. App. Feb. 7, 2023), on February 16, 2023, Petitioners/Plaintiffs filed a Complaint and a Notice of Amended Pleading or alternatively, Motion to substitute that Complaint for its Petition.
6. Chief Zack and the City, to the extent of their authority, waive any procedural objections to releasing these recordings, including but not limited to, any objections based on deficient notice under N.C. Gen. Stat § 132-1.4A, Rule 6 of the North Carolina Rules of Civil Procedure, or any other procedural deficiency incident to Petitioners/Plaintiffs' filings on February 16, 2023. Such waiver in this case shall not act as a waiver of procedural objections in any future or subsequent petitions or actions seeking the release of law enforcement recordings.
7. During a hearing on this matter held February 20, 2023, counsel for the City and Chief Zack informed the Court directly that the City favors releasing these recordings, outlined attempts to contact current APD officers to inform them of the Petition and hearing, and agreed to waive any procedural deficiencies regarding notice.
8. Consideration of the standards contained in N.C. Gen. Stat. § 132-1.4A(g) weigh in favor of authorizing releasing these recordings.
9. Within two weeks following receipt of this signed Consent Order the City will publish the recordings online to the general public, including, but not limited to, publication to the City's youtube.com account, and will provide Petitioners/Plaintiffs with links to same.
10. Recordings published pursuant to this Consent Order will bear a watermark reading *Law Enforcement Recording Released per N.C. Gen. Stat § 132-1.4A*.

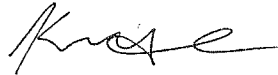
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the City will, within two weeks, make available to the general public all law enforcement recordings maintained by the APD within its computer system under case number 21-027316, excepting recordings containing the image and/or voice of any member of the Buncombe County Sheriff's Office, in the manner agreed to above.

This the 24 day of February, 2023.

  
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Judge Marvin Pope

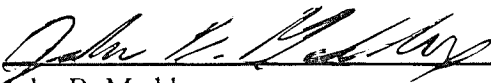
WE SO CONSENT:

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