STATE OF NORTH CAROLINA

COUNTY OF DURHAM

IN THE GENERAL COURT
OF JUSTICE
SUPERIOR COURT DIVISION

IN THE MATTER OF:	)	
	)	MOTION TO PREVENT
DEATH INVESTIGATION 9-7-2012	)	DISCLOSURE OF A 911
FAITH DANIELLE HEDGEPETH	)	CALL RECORDING
	)	
CHPD OCA: 12-20848	)	

The Chapel Hill Police Department, through the Town of Chapel Hill and by undersigned counsel, moves the court for an Order to prevent the disclosure of the recording of a 911 telephone call between the telephone of Karena Lynn Rosario and the Durham City Emergency Communications Center (hereinafter "911").

1. On September 7, 2012 at 1101 hours, 911 received a call on its emergency lines regarding an unresponsive person located at 5639 Old Durham Road apartment number 1502.

2. This address is located within both the City Limits of Chapel Hill and Durham County.

3. When emergency responders arrived at the apartment, they found Faith Danielle Hedgepeth deceased in her bedroom. Upon discovering the deceased, police initiated a death investigation which is ongoing.

4. In the course of this investigation, a recording of the related 911 call was requested for the case file. During the 911 call Ms. Rosario, the victim's roommate makes statements related to the condition of the crime scene and the victim's body.

5. If released, this information has potential to compromise the ability of the Chapel Hill Police Department to conduct a thorough and complete investigation as details related to the crime scene are known only to police, witnesses and potential perpetrator(s).

6. North Carolina General Statute 132-1.4(c)(4) provides that the contents of "911" and other emergency telephone calls received by or on behalf of public law enforcement agencies are public record, except for such contents that reveal the natural voice, name, address, telephone number, or other information that may identify the caller, victim, or witness.

7. North Carolina General Statute 132-1.4(e) further provides that if a public law enforcement agency believes that release of information that is a public record under

subdivisions (c)(1) through (c)(5) will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation it may seek an order from a court of competent jurisdiction to prevent disclosure of the information.

8. There is a preponderance of evidence to show that the release of the recording of the 911 call, would undermine the ongoing criminal investigation, jeopardize the prosecution's right to prosecute its case relating to the criminal investigation, and jeopardize the right of any suspect charged in this matter from receiving a fair trial.

9. The release of the information contained herein could also hinder the State's ability to bring the responsible party to justice.

Therefore, the undersigned respectfully requests that the Court issue an Order Preventing the release of the 911 call recording or any disclosure of its contents with access limited to only the investigating officers of the Chapel Hill Police Department, The Durham County District Attorney's Office and any future Defendant or future Defendant's Counsel in this matter. The undersigned also respectfully requests that this Order remain in effect until further Order from the Court.

Respectfully submitted, this the 10th day of September, 2012.

TOWN OF CHAPEL HILL

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STATE OF NORTH CAROLINA

COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

IN THE MATTER OF:	)	
	)	ORDER PREVENTING RELEASE
DEATH INVESTIGATION 9-7-2012	)	AND DISCLOSURE OF A 911
FAITH DANIELLE HEDGEPETH	)	CALL RECORDING
	)	
CHPD OCA: 12-20848	)	

THIS MATTER COMING ON TO BE HEARD AND BEING HEARD, ex-parte, before the undersigned and it appearing to the Court that Matthew J. Sullivan, Staff Legal Advisor for the Chapel Hill Police Department has presented a petition with a recording requesting an Order preventing the release and disclosure of a 911 Call recording in the Matter of the investigation of the death of Faith Danielle Hedgepeth pursuant to N.C. Gen. Stat. § 132-1.4(e), the Court makes the following FINDINGS OF FACT:

1. The Court has jurisdiction in this matter

2. On September 7, 2012 at 1101 hours, Durham City 911 received a call on its emergency lines regarding an unresponsive person located at 5639 Old Durham Road apartment number 1502.

3. This address is located within both the City Limits of Chapel Hill and Durham County.

4. When emergency responders arrived at the apartment, they found Faith Danielle Hedgepeth deceased in her bedroom. Upon discovering the deceased, police initiated a death investigation which is ongoing.

5. In the course of this investigation, a recording of the related 911 call was requested for the case file. During the 911 call Ms. Rosario, the victim's roommate makes statements related to the condition of the crime scene and the victim's body.

6. If released, this information has potential to compromise the ability of the Chapel Hill Police Department to conduct a thorough and complete investigation as details related to the crime scene are known only to police, witnesses and potential perpetrator(s).

7. North Carolina General Statute 132-1.4(c)(4) provides that the contents of "911" and other emergency telephone calls received by or on behalf of public law enforcement agencies are public record, except for such contents that reveal the natural voice, name, address, telephone number, or other information that may identify the caller, victim, or witness.

8. North Carolina General Statute 132-1.4(e) further provides that if a public law enforcement agency believes that release of information that is a public record under subdivisions (c)(1) through (c)(5) will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation it may seek an order from a court of competent jurisdiction to prevent disclosure of the information.

9. There is a preponderance of evidence to show that the release of the recording of the 911 call, would undermine the ongoing criminal investigation, jeopardize the prosecution's right to prosecute its case relating to the criminal investigation, and jeopardize the right of any suspect charged in this matter from receiving a fair trial.

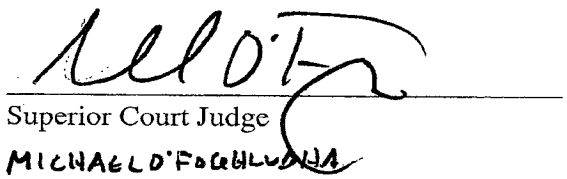
10. The release of the information contained herein could also hinder the State's ability to bring the responsible party to justice.

IT IS THEREFORE ORDERED:

1. That the release of the 911 call recording or any disclosure of its contents be limited to only the investigating officers of the Chapel Hill Police Department, The Durham County District Attorney's Office and any future Defendant in this matter or any future Defendant's Counsel in this matter.

2. That this Order remain in effect until further Order from the Court.

This the 10th day of September, 2012.



Superior Court Judge

MICHAEL D'FOGGHLUDHA