STATE OF NORTH CAROLINA

COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION

IN THE MATTER OF:	)	
	)	MOTION TO EXTEND ORDER
	)	ALLOWING REDACTION
DEATH INVESTIGATION 9-7-2012	)	OF CRIMINAL INVESTIGATIVE
FAITH DANIELLE HEDGEPETH	)	INFORMATION FROM POLICE
	)	RADIO TRAFFIC
CHPD OCA: 12-20848	)	

The Chapel Hill Police Department, through the Town of Chapel Hill and by undersigned counsel, moves the Court to extend a Court Order issued by The Honorable Carl Fox, allowing for the redaction of Criminal Investigative Information from recordings of police radio traffic that occurred during the police response and initial stages of investigation in the death of Faith Danielle Hedgepeth.

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

2. 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.

3. During the police response and initial investigation, communications of officers and Orange County 911 dispatchers occurred over several channels on the police radio.

4. Several pieces of information contained in the radio traffic have the 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 and potential suspects are known only to police, eye witnesses of the crime scene and any potential perpetrator(s).

5. North Carolina General Statute 132-1.4(c)(5) provides that the contents of communications between or among employees of public law enforcement agencies that are broadcast over the public airways are public record.

6. 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.

7. In a Court Order dated 21 September 2012, The Honorable Carl Fox directed that:

a) That the Chapel Hill Police Department may redact criminal investigative information from recordings of police radio traffic that occurred during the police response and initial stages of investigation in the death of Faith Danielle Hedgepeth, and

b) That any disclosure of such contents shall 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, and

c) That the Chapel Hill Police Department retain unaltered recordings for release upon further order of the Court, and

d) That this Order remain in effect for 90 days or until further Order from the Court whichever comes first.

8. The Chapel Hill Police Department continues to actively conduct the investigation related to Ms. Hedgepeth's death.

9. There continues to be a preponderance of evidence to show that the release of certain portions of the police radio traffic in this case 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.

Therefore, the undersigned respectfully requests that the Court issue an Order extending the existing order allowing for the redaction of Criminal Investigative Information from recordings of police radio traffic that occurred during the police response and initial stages of investigation in the death of Faith Danielle Hedgepeth and prohibiting any disclosure of the redacted 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 the Order remain in effect for an additonal 90 days or further Order from the Court whichever occurs sooner.

The Chapel Hill Police Department will retain the full recordings to be released upon further Order of the Court.

Respectfully submitted, this the 17th day of December, 2012.

TOWN OF CHAPEL HILL

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STATE OF NORTH CAROLINA

COUNTY OF ORANGE

IN THE GENERAL COURT
OF JUSTICE
SUPERIOR COURT DIVISION

IN THE MATTER OF:	)	
	)	ORDER EXTENTING TIME ON
	)	ORDER ALLOWING REDACTION
DEATH INVESTIGATION 9-7-2012	)	OF CRIMINAL INVESTIGATIVE
FAITH DANIELLE HEDGEPETH	)	INFORMATION FROM POLICE
	)	RADIO TRAFFIC
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 extension of time to an Order allowing for the redaction of criminal investigative information from police radio traffic 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. During the police response and initial investigation, communications of officers and Orange County 911 dispatchers occurred over several channels on the police radio.

4. Several pieces of information contained in the radio traffic have the 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 and potential suspects are known only to police, eye witnesses of the crime scene and any potential perpetrator(s).

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7. In a Court Order dated 21 September 2012, The Honorable Carl Fox directed that:

a) That the Chapel Hill Police Department may redact criminal investigative information from recordings of police radio traffic that occurred during the police response and initial stages of investigation in the death of Faith Danielle Hedgepeth, and
b) That any disclosure of such contents shall 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, and
c) That the Chapel Hill Police Department retain unaltered recordings for release upon further order of the Court, and
d) That this Order remain in effect for 90 days or until further Order from the Court whichever comes first.

8. The Chapel Hill Police Department continues to actively conduct the investigation related to Ms. Hedgepeth's death.

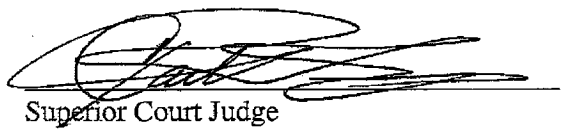
9. There continues to be preponderance of evidence to show that the release of certain portions of the police radio traffic in this case would undermine the ongoing criminal investigation, jeopardize the prosecution's right to prosecute its case relating to the criminal investigation, and jeopardize 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 Court Order issued by The Honorable Carl Fox remain in effect for an additional 90 days from today's date or until further Order from the Court whichever comes first.

This the 12th day of December, 2012.



Superior Court Judge