



State v. Chemuti

N.C. Supreme Court
North Carolina v. Charlotte Chemuti,
___ N.C. ___, 920 S.E. 2d 810 (2025).

Jennifer Chandler

Chandler Law PLLC

120 EAST PARK AVE.
MOORESVILLE, NC 28115

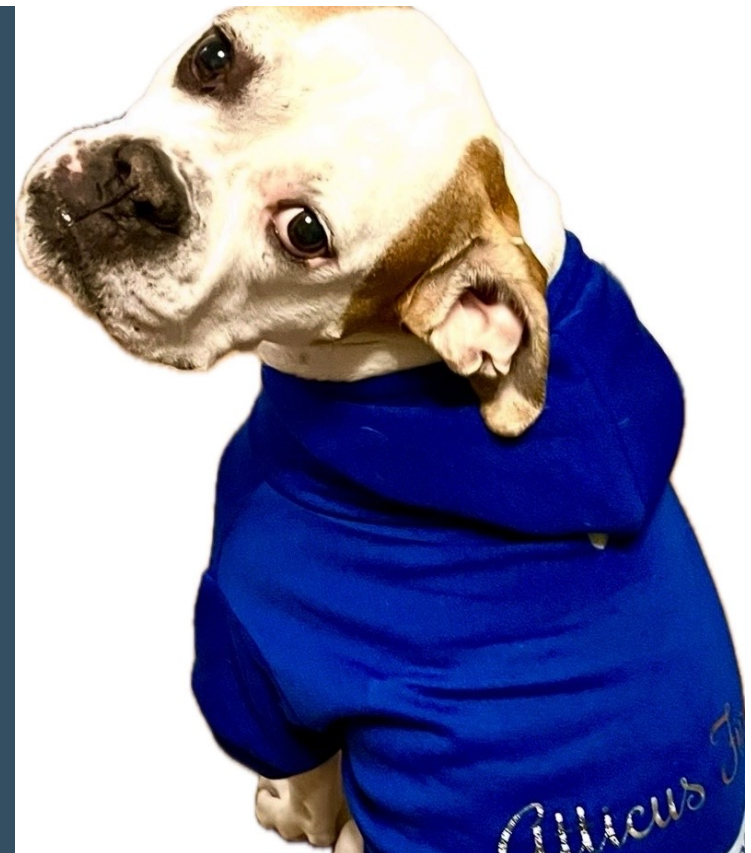
828-279-5115-CELL

CHANDLERLAWPLLC@GMAIL.COM



THANK YOU!
HOPE

**CAPED
CONSTITUTIONAL
CRUSADERS**



**BEING
IN THE
TRENCHES**

Because it
may feel
like this. 

FIGHTING
– FOR JUSTICE –



**BUT YOU ARE NOT ALONE,
YOU ARE PART OF A TEAM.**

THE REASON I AM HERE TODAY IS CHARLOTTE CHEMUTI.

Who knows about
this case?



THE DECISION

Exclusive procedure: Section 132-1.4A requires that any person seeking a release—as distinct from mere disclosure for viewing—must petition the superior court in the county where the recording was made. District-court subpoenas cannot compel release.

The decision clearly undermines the authority and power of District Court Judges to release evidence by subpoena, supplanting N.C.G.S. 15A-802. Specifically for law enforcement recordings only.



TO THE SUPREME COURT WE GO!!!



DISAPPOINTMENT

SCOTUS will not review NC Supreme Court body cam footage ruling.



STATE v. CHEMUTI

The case arose when Charlotte Chemuti, charged in North Carolina Iredell County District Court with resisting a public office and assault on a government official.

I subpoenaed the Town of Mooresville and its police department for all body-camera videos of the incident.

The town moved to quash, contending that § 132-1.4A restricts release of such recordings to a superior-court process.

District Court Judge Underwood enforced the subpoena.

The Town of Mooresville appealed to the NC COA.

The North Carolina Court of Appeals dismissed as an interlocutory appeal, and the NC Supreme Court granted certiorari.

N.C. Supreme Court overturned the NC COA and ruled the exclusive means of release of law enforcement recordings are the Petition Process in Superior Civil Court.

TIMELINE

Thank you to Andy
Banzoff

Bill intended to support transparency,
requirements to report officers observed using
excessive force, Giglio requirements database
to prevent officers reported from law
enforcement agency to another without
accountability.

SOUND FAMILIAR?



LOBBYING

by Law Enforcement
N.C. Supreme Court
Gallery
2016

(see Act of June 30, 2016, S.L.
2016-88, § 1, 2016, NC Sess. Laws
263, 264-67 (codified at N.C.G.S.
§ 132-1.4A))

**LEGISLATION
INTENDED TO
PROMOTE
ACCOUNTABILITY
AND
TRANSPARENCY**



THE TRUTH

The use of recordings for accountability.

Afroman's use of law enforcement recordings to ensure accountability.



HOW HAS IT CHANGED THE PROCESS?

But under 15A-802, specifically does not require notice of subpoena to the District Attorney.

The requirement of notice to all people with their image and voice.

How would we know?

The Constitution is the same, the procedure has just changed (Justice Dietz opinion).

The request must be filed as a new filing in Odyssey, separately for each defendant into civil superior.

The Clerk provides the case number.

Include the required information so the agency can identify the recordings.

Include all agencies in the county since they are many times a concerted effort, especially with checkpoint cases.

**Accountability and ensuring due process for
a “fair trial” with the required “evidence”
to present a “complete defense”,**

A CONSTITUTIONAL ONE.

EVIDENCE

N.C.G.S. 15A-802 (District)
v. 901-903 (Superior)

HOW DID THE NC SUPREME COURT COME TO THE DECISION?

Adding the word “Superior” in front of Court Order

(g) Release of Recordings; General; Court Order Required. – Recordings in the custody of a law enforcement agency shall “only” be released pursuant to court order.

BUT!!

(h)-provides to DA's office without any process????



WIN SOME CHIPS!

1. Difference between Discovery and Evidence?
2. Which Justice wrote the Opinion in *Chemuti*?
3. Which Justice wrote the dissent?
4. Why is Afroman important?



(h) Release of Recordings; Law Enforcement Purposes. – Notwithstanding the requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency shall disclose or release a recording to a district attorney (i) for review of potential criminal charges, (ii) in order to comply with discovery requirements in a criminal prosecution, (iii) for use in criminal proceedings in district court, or (iv) for any other law enforcement purpose, and may disclose or release a recording for any of the following purposes:

- (1) For law enforcement training purposes.
- (2) Within the custodial law enforcement agency for any administrative, training, or law enforcement purpose.
- (3) To another law enforcement agency for law enforcement purposes.
- (4) For suspect identification or apprehension



FINALLY!

Please consider donating
at the Sloth Conservation
Foundation.

Petition-NC-AOC-270

Order-NC-AOC-271

File and serve-new filing petition to release-waiver

Prior to filing make sure civil court can accommodate and the law enforcement representative-call the law enforcement agency for their legal counsel's email.

I like to notice all the agencies and counsel-look for dates to allow all to appear.

After uploaded, must provide electronic notice to the counsel.



WHY IS THE FORM AN ISSUE?

AOC-CV-270
G.S. 132-1.4A(f)

Missing Brady?
1963...
Brady V. Maryland
Co-Defendant's confession?

(f) Release of Recordings to Certain Persons; Expedited Process. -
Notwithstanding the provisions of subsection (g) of this section

a person authorized to receive disclosure pursuant to subsection (c)
on a form approved by the Administrative Office of the Courts

and shall state the date and approximate time of the activity captured
in the recording, with reasonable particularity sufficient to identify the
recording

notice and an opportunity to be heard shall be given to the head of the
custodial law enforcement agency.

Petitions filed pursuant to this subsection shall be set down for hearing
as soon as practicable and shall be accorded priority by the court.

(c) of this section. In making this determination, the court may conduct
an in-camera review of the recording and may, in its discretion, allow the
petitioner to be present to assist in identifying the image or voice in the
recording that authorizes disclosure to the person to whom release is
requested.

If the court determines that the person is not authorized to receive
disclosure pursuant to subsection (c) of this section, there shall be no
right of appeal, and the petitioner may file an action for release pursuant
to subsection (g) of this section.

If the court determines authorized for release, the court shall consider
the standards set out in subsection (g) of this section and any other
standards the court deems relevant in determining whether to order the
release of all or a portion of the recording. The court shall release only
those portions of the recording that are relevant to the person's request
and may place any conditions or restrictions on the release of the
recording that the court, in its discretion, deems appropriate.

TOO NARROW?

Legislation
Intended for
Law Enforcement
Recordings

Depicting Serious
Injury or Death at the
Hands of Law
Enforcement But (G)
General Release
Intended for Media

PETITION FOR RELEASE OF CUSTODIAL LAW
ENFORCEMENT AGENCY RECORDING G.S. 132-1.4A(f)
– petition by person authorized to receive disclosure or
custodial law enforcement agency (no filing fee applies

ARE YOU AUTHORIZED?????????

The head of the custodial law enforcement agency may only disclose a recording to the following:

- (1) A person whose image or voice is in the recording.
- (2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
- (3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
- (4) A personal representative of a deceased person whose image or voice is in the recording.
- (5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.



PROCESS CAN BE SLOW AND PROBLEMATIC, SOME ARGUMENTS:

Best evidence we are seeking justice by seeking the truth focus on the human aspect, we cannot remember perfectly, not against the law enforcement this is about evidence/not discovery look to 15a 801/802- it is the defense's responsibility evidence, not discovery, 15a 901-903, where the da has possession of the recording and must provide the defense file motions to continue early in odyssey prior to scheduled district court dates citing the case and your petition date reality is not all counties will implement but be prepared because this may be used by law enforcement to prevent release of a video.

ODYSSEY AND THE REALITIES OF THE IMPACT OF CHEMUTI

| Like, DMV slow??

FOR PUBLIC DEFENDERS

§ 84-2. Persons disqualified. No justice, judge, magistrate, full-time district attorney, full-time assistant district attorney, full-time public defender, full-time assistant public defender, clerk, deputy or assistant clerk of the General Court of Justice, register of deeds, deputy or assistant register of deeds, sheriff or deputy sheriff shall engage in the private practice of law.

AMICUS BRIEF FILED BY ATTORNEY

WARREN HYNSON

POINTED OUT THE PROCESS OF PETITIONING FOR VIDEOS IN SUPERIOR
WOULD NEGATIVELY IMPACT PUBLIC DEFENDERS:

”A lawyer’s workload must be controlled so that each matter can be handled competently.”
N.C. R. Prof. Cond. 1.3, Comment 2.

”Public Defenders may not know the intricacies of practicing in civil court to expeditiously obtain law enforcement recordings.”

Public Defender’s time devoted to filing petitions, them being heard, additionally attending Superior Court for the hearings, instead of time preparing their cases and attending their trials will present issues of ineffective assistance of counsel. Unnecessary appeals and MARs.



WE MUST BE POSITIVE

Looking at the same
facts but with two
different perspectives.

WHICH DRESS?

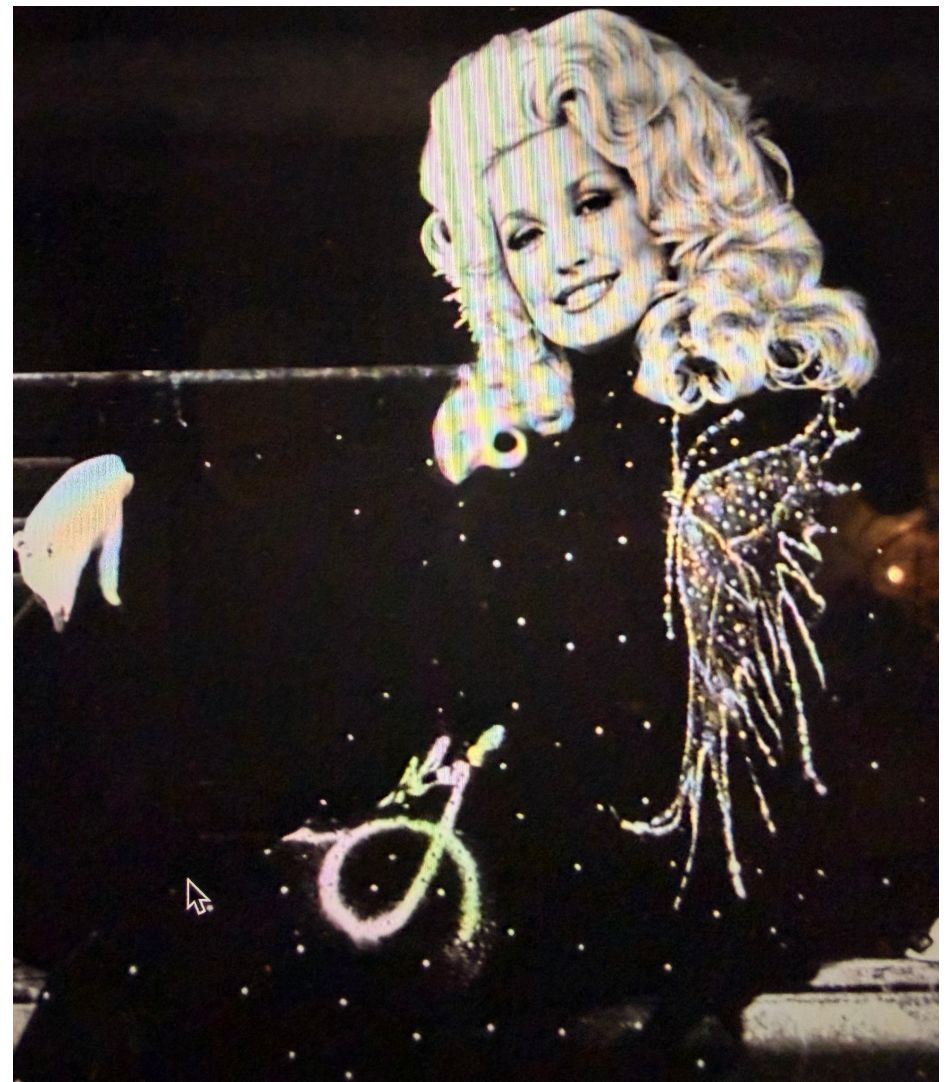
Blue and black dress or gold and white
dress?

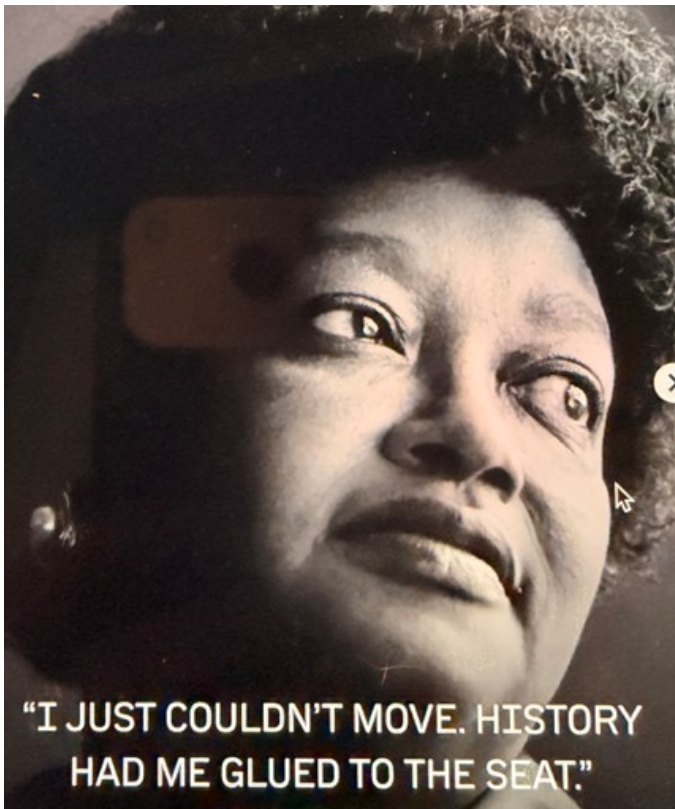
Why is this important?

You are looking at the same decision,
but we must also look to the positive
impact.

QUIZ!

Can you name these two people?





"I JUST COULDN'T MOVE. HISTORY
HAD ME GLUED TO THE SEAT."

THE OTHER DOLLY/DALI

Figure out who you are.
Then do it on purpose.
- Dolly Parton

**"The process changed, not the Constitution."
Focus on the video being the truth, officers
have a many cases, so it is the best evidence.**

We can finally argue the right to evidence
in district court for a fair and complete
defense.

The NC supreme court recognizes the right to
evidence, specifically to law enforcement
recordings pertaining to the case.



THE STRONGER THE PD'S, THE STRONGER THE DEFENSE BAR

We are stronger as a
team!

The attorneys must unite to become stronger adversary, it does not matter whether private or not, the interest must be the same. To help the people. Based on the numbers challenging the status quo then it changes.

TRIALS

Work together.

Case law.

Make the State prove their cases.

(h) Release of Recordings; Law Enforcement Purposes. – Notwithstanding the requirements of subsections (c), (f), and (g) of this section, a custodial law enforcement agency shall disclose or release a recording to a district attorney (i) for review of potential criminal charges, (ii) in order to comply with discovery requirements in a criminal prosecution, (iii) for use in criminal proceedings in district court, or (iv) for any other law enforcement purpose, and may disclose or release a recording for any of the following purposes:

- (1) For law enforcement training purposes.
- (2) Within the custodial law enforcement agency for any administrative, training, or law enforcement purpose.
- (3) To another law enforcement agency for law enforcement purposes.
- (4) For suspect identification or apprehension

IDEAS TO HELP

There is a “ME” in
team, but it can become
very lonely!

Crusaders Together ☺

- Case Law Help
- PC Cheat List
- Officer List
- Group Text Or Email
- Case Updates Emailed Automatically Procedures Per
County (Forms) Talk To One Another
- UNC School Of Government Search
- IDS Bank Of Motions
- Crimes Book
- Search, Arrest, Interrogation Book Subpoenas-still -
- Apply For Evidence
- FOIA
- NEAJ Motions
- Chemuti - the acknowledgment of the rights of the
individual being prosecuted for a crime in district
court.

Chandlerlawpllc@gmail.COM
828-279-5115

DMV UPDATE EMAIL
courtdocs@ncdot.Gov

THE COMPULSORY PROCESS CLAUSE

The Compulsory Process Clause expressly protects an accused's right to compel testimony from material witnesses, and implicitly protects other rights of the accused: the right to call his or her own witnesses; the right not to be tried before those witnesses arrive; the right to question those witnesses under oath; and the right to compel those witnesses to bring with them any documents material to their testimony.

Brady material issues, if anything can prove innocence would be the best evidence, not an officer's memory many times based on their report, when refreshed. - Brady about mitigation of sentencing, not innocence.

HOW DID THE COMPULSARY PROCESS CLAUSE ORIGINATE?

The trial of William Ireland, Thomas Pickering, and John Grove in 1678 illustrates the fundamental unfairness of these early common-law practices.⁶ The Crown charged Ireland with high treason, accusing him of conspiring with Pickering and Grove to kill King Charles. The Crown's evidence consisted of only two men's testimony. Oates and Bedloe swore that "in August" they attended a meeting in London where Ireland and the others agreed to assassinate the king.⁸ Ireland denied the accusations, contending that he was in Staffordshire, a town roughly 150 miles outside of London, during the alleged meeting. Although Ireland had the right to call witnesses, the court refused to let him contact anyone until the morning of his trial. Then, at trial, when Ireland named the witnesses, he sought to call and pleaded for time for them to arrive, the presiding judge proceeded without them.¹¹ All three defendants were convicted and executed.

Shortly before his execution, Ireland proclaimed that "a hundred and more saw me in Staffordshire; therefore, how I should be [guilty of treason] I do not well know or understand.. The injustice of his conviction and execution became apparent when witnesses ultimately confirmed Ireland's alibi and resulting innocence at Oates's own perjury trial seven years later.