

IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

JOSE MARCUS PERRUSQUIA,

Petitioner,

v.

FLOYD BONNER, JR., in his official
capacity as Shelby County Sheriff, and

AMY WEIRICH, in her official capacity
as Shelby County District Attorney
General,

Respondents.

No. _____

**PETITION FOR ACCESS TO PUBLIC RECORDS AND
TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

**TO THE HONORABLE CHANCELLORS OF THE
CHANCERY COURT FOR THE THIRTIETH JUDICIAL DISTRICT:**

Pursuant to the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-503 *et seq.* (the “TPRA”), Petitioner Jose Marcus Perrusquia hereby petitions this Court for access to public records, judicial review of Respondents’ decisions to deny access to those public records, and for attorneys’ fees and costs. Petitioner also seeks declaratory and injunctive relief pursuant to the TPRA and Tenn. Code Ann. § 1-3-121. A memorandum of law in support of this Petition, and a declaration from Petitioner verifying the specified facts alleged herein are filed contemporaneously.

PARTIES

1. Petitioner is a journalist, a resident of Shelby County, Tennessee, and a Tennessee citizen. For more than twenty-nine years, Mr. Perrusquia was a

reporter for *The Commercial Appeal*. His work now regularly appears in the *Daily Memphian*. His recent reporting examines the use of force by law enforcement officers in Shelby County. (Perrusquia Decl. ¶ 4 (attached as Exhibit A).)

2. Respondent Floyd Bonner, Jr. is the publicly elected Sheriff of Shelby County. The Shelby County Sheriff's Office is a county agency responsible for the enforcement of laws within Shelby County as well as maintaining safe and lawful custody of individuals arrested or charged with crimes. All references hereinafter to the "Sheriff" and "Sheriff's Office" refer to Mr. Bonner, Jr., in his official capacity, including his role as records custodian for the Shelby County Sheriff's Office. Service of process upon the Sheriff will be made by delivering a copy of the summons, this Petition, the accompanying Memorandum of Law, and Mr. Perrusquia's declaration to Shelby County Mayor Lee Harris, pursuant to Tennessee Rule of Civil Procedure 4.04(7).

3. Respondent Amy Weirich is the publicly elected District Attorney General for Shelby County. The Shelby County District Attorney's Office is a state agency responsible for prosecuting all misdemeanors and felonies committed within Shelby County. All references hereinafter to the "DA" and "DA's Office" refer to Ms. Weirich in her official capacity, including her role as records custodian for the Shelby County District Attorney's Office. Service of process upon the DA will be made by emailing a cover letter, a copy of the summons, this Petition, the accompanying Memorandum of Law, and Mr. Perrusquia's declaration to tnattygen@ag.tn.gov, pursuant to Tennessee Rule of Civil Procedure 4.04(6) and the

Office of the Attorney General’s advisory on service of process during the COVID-19 pandemic.¹

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this petition and venue is proper in this Court under Tenn. Code Ann. § 10-7-505(b). This Court also has subject matter jurisdiction over this petition pursuant to Tenn. Code Ann. § 1-3-121.

FACTUAL ALLEGATIONS

Officer Jenkins’ Excessive Use of Force in the Sally Port

5. 201 Poplar Avenue (“201 Poplar”) is the address of a facility in Memphis, Tennessee controlled and operated by the Sheriff’s Office. Among other things, 201 Poplar contains the offices of the Shelby County Sheriff, the Shelby County Jail, and the Sally Port, an area where detainees are processed prior to being admitted into the jail.

6. According to an investigation conducted by the Memphis Police Department’s (“MPD”) Internal Affairs Bureau (“MPD Internal Affairs”), as described in an MPD Case Summary, in May 2018, MPD Officer Brandon Jenkins transported Nechoe Lucas, who had been arrested on an outstanding warrant following a domestic disturbance call, to 201 Poplar. (Perrusquia Decl. Attach. 1 (the “MPD Case Summary”) at 1–2.)²

¹ Available at <https://perma.cc/5V88-NNVW>.

² Pincites are to the pagination of the underlying document and do not take into account the exhibit cover page.

7. Mr. Perrusquia received the MPD Case Summary from the City of Memphis in response to a public records request. (Perrusquia Decl. ¶ 6.)

8. The MPD Case Summary states that “[u]pon arrival to 201 Poplar inside the Sally Port, an altercation took place between Officer Jenkins and Mr. Lucas.” (Perrusquia Decl. Attach. 1 at 1.) The MPD Case Summary further states that after several incidents during which Lucas was uncooperative, including an incident in which he spit at and on Officer Jenkins, “[o]fficers escorted Mr. Lucas to a metal chair where his left wrist was secured to the chair with a handcuff. Mr. Lucas stood up from the metal chair with his left wrist handcuffed and spat on Officer Jenkins’ arm. Officer Jenkins walked toward Lucas then kicked and punched him in the facial area.” (*Id.* at 5–6.)

9. The MPD Hearing Summary documenting Officer Jenkins’ September 12, 2018 disciplinary hearing states that MPD supervisors played a portion of body camera footage during the hearing. (Perrusquia Decl. Attach. 2 at 3.) According to the Hearing Summary, that video depicted Officer Jenkins striking Lucas while both of Mr. Lucas’ wrists were handcuffed to a metal chair: “At one point during the video it clearly shows the suspect sitting in a chair in the sally port. Each arm[] is handcuffed to an arm rest on the chair. The suspect spits a mouthful of fluids and bloody spittle on Officer Jenkins. Officer Jenkins responds by kicking the suspect in the face. Officer Jenkins punches the suspect several times in the head. The other officers stop Officer Jenkins. Officer Jenkins then kicks the suspect in the head one more time.” (*Id.*)

10. MPD Internal Affairs sustained violations of MPD administrative regulations DR-301 (excessive force/unnecessary force) and DR-104 (personal conduct) against Officer Jenkins for his actions involving Mr. Lucas, including, specifically, his actions in the Sally Port. (Perrusquia Decl. Attach. 1 at 8.)

11. A summary of a hearing conducted on September 12, 2018 by MPD Internal Affairs states that Officer Jenkins was suspended without pay for seventeen days as a result of those violations. (Perrusquia Decl. Attach. 2 at 1.)

12. Mr. Lucas pled guilty to misdemeanor assault for his part in the altercation with Officer Jenkins. (Perrusquia Decl. Attach. 7 at 1.)

The Sheriff Recorded the Altercation Between Officer Jenkins and Mr. Lucas in the Sally Port and Investigated It as a Possible Assault.

13. The Sheriff recorded video of the altercation between Officer Jenkins and Mr. Lucas that took place in the Sally Port on or about May 29, 2018 for which Mr. Lucas pled guilty to assaulting Officer Jenkins and Officer Jenkins was found to have used excessive force by MPD Internal Affairs (the “Sally Port Footage”).

14. The MPD Case Summary states that “a Shelby County [Sheriff’s] lieutenant entered into the intake area and advised that *she witnessed the incident on the camera.*” (Perrusquia Decl. Attach. 1 at 6 (emphasis added).)

15. The MPD Case Summary also states that “video footage captured from 201 Poplar” was among the video reviewed during the course of the MPD Internal Affairs’ investigation “to identify the officers involved in the arrest of Nechoe Lucas and determine whether or not excessive force and/or unnecessary force was used,” during Mr. Lucas’ arrest and subsequent processing at the Sally Port. (*Id.* at 5.)

16. The MPD Case Summary states that the “Shelby County Sheriff’s Office generated an assault report (1805001151SH) listing Lucas as the victim and an un-named Memphis Police Department officer as the suspect.” (*Id.* at 6.)

17. As noted in the MPD Case Summary, the Sheriff’s Office conducted an assault investigation into Officer Jenkins’ altercation with Mr. Lucas in the Sally Port and, as part of that investigation, the Sheriff’s Office generated a case file detailing the altercation that took place between Officer Jenkins and Mr. Lucas, which designates Mr. Lucas as the “victim.” (Perrusquia Decl. Attach. 4 (the “Sheriff’s Case File”) at 13–14.)

18. Mr. Perrusquia received the Sheriff’s Case File from the Sheriff in response to a public records request. (Perrusquia Decl. ¶ 10.)

19. The Sheriff’s Case File contains a transcript of an interview of Shelby County Deputy Jailer Tony Long that was conducted by Shelby County Sheriff’s Detective Will Greever. Deputy Long stated that he was on duty when Officer Jenkins brought Mr. Lucas into the Sally Port and that he witnessed the altercation. (Perrusquia Decl. Attach. 4 at 2.) Deputy Long also stated that about fifteen or twenty minutes after Mr. Lucas arrived at the Sally Port, “I was calling the Sgt. on the radio find out that didn’t work. I had somebody [bring] me a radio that did work. *Same time I called surveillance asked them was it recording. She said yes*” (*Id.* at 3 (*sic* throughout) (emphasis added).)

20. In the Sheriff’s Case File, Detective Greever refers three times to Officer Jenkins’ conduct as an assault. First, Detective Greever referred to Officer

Jenkins' conduct as "an assault that occurred at the Sally Port on 5/29 at about 0130 hours in the morning" during an interview with another witness to the incident, Sheriff's Office Jail Processing Assistant Twana Dortch. (*Id.* at 5.) Detective Greever also referred to Officer Jenkins' conduct as "a simple assault" during an interview with another witness to the incident, Sheriff's Office Jail Processing Assistant Michelle James. (*Id.* at 10.) Finally, in an interview with Darius Lang, Detective Greever refers to an "assault that occurred in the Sally Port." (*Id.* at 8.) Assault is a crime under Tennessee law.

The Sheriff's Office's Denial of Petitioner's Records Request for Video of the Altercation Between Officer Jenkins and Mr. Lucas

21. On October 16, 2020, Mr. Perrusquia made a public records request to the Sheriff's Office to inspect "case file 1805001151SH (also labeled 18050011S1SH) involving a May 29, 2018 altercation at or near the sally port at the Shelby County Jail involving Nechoe Lucas and Memphis Police Department officer Brandon Jenkins. That includes reviewing the video in this file." (Perrusquia Decl. ¶ 8, Attach. 3 at 5.)

22. On December 8, 2020, Debra L. Fessenden, Chief Policy Advisor for the Sheriff's Office, responded that a number of redacted documents were ready for Mr. Perrusquia's inspection; however, the Sheriff's Office stated that "[t]he video is not being provided as that is protected by the security of governmental buildings and surveillance provisions of the TPRA, T.C.A. § 10-7-504." (Perrusquia Decl. ¶ 9, Attach. 3 at 4.)

23. Tenn. Code Ann. § 10-7-504 states in relevant part:

(m)(1) Information and records that are directly related to the security of any government building shall be maintained as confidential and shall not be open to public inspection. For purposes of this subsection (m), “government building” means any building that is owned, leased or controlled, in whole or in part, by the state of Tennessee or any county, municipality, city or other political subdivision of the state of Tennessee. Such information and records include, but are not limited to:

...

(E) Surveillance recordings, whether recorded to audio or visual format, or both, except segments of the recordings may be made public when they include an act or incident involving public safety or security or possible criminal activity.

24. On January 11, 2021, Mr. Perrusquia responded to the Sheriff’s Office’s denial of his request to inspect the video, stating, “the provision you cite states that this exception does not apply to recordings involving possible criminal activity. Specifically, the language of this act states ‘the recordings **may be made public** when they include an act or incident involving public safety or security or possible criminal activity.’ This incident was referred to the District Attorney for possible criminal prosecution by employees of the Sheriff’s Office because they believe[d] a criminal act may have occurred.” (Perrusquia Decl. ¶ 11, Attach. 3 at 2 (emphasis in original).)

25. On February 10, 2021, Mr. Perrusquia again inquired with Ms. Fessenden about the status of his request for the Sally Port Footage, writing, “what is the status of my request for the jail surveillance video involving the Brandon Jenkins matter?” (Perrusquia Decl. ¶ 12, Attach. 5 at 2.)

26. On February 12, 2021, Ms. Fessenden once again denied Mr. Perrusquia's request, stating, "[a]s for the Jail video: that is surveillance video necessary for the security of the facility. There is no exception that would allow the release pursuant to the District Attorney General's determination." (Perrusquia Decl. ¶ 13, Attach. 5 at 1.)

The DA Office's Denial of Petitioner's Public Records Request

27. On October 13, 2020, Mr. Perrusquia requested that the DA's Office provide any public records that it had connected to MPD ISB case I2018-026 involving Officer Brandon Jenkins. Mr. Perrusquia noted that the MPD Case Summary for that investigation indicated that MPD's internal investigation case file had been sent to the DA's Office for review. (Perrusquia Decl. Attach. 6 at 4.)

28. In response to Mr. Perrusquia's request, on October 16, 2020, Shelby County District Attorney Public Information Officer ("PIO") Larry Buser stated, "in the Jenkins case, MPD did not send us anything, but the [S]heriff's [O]ffice did." Buser further stated, "MPD's file left off the word NOT, as in the case was NOT sent to the AG's Office for review." (Perrusquia Decl. ¶ 15, Attach. 6 at 1–2.)

29. Mr. Buser also provided Mr. Perrusquia with DA Amy Weirich's July 17, 2018 letter to then-Sheriff Bill Oldham and then-MPD Director Michael Rallings declining to prosecute Officer Jenkins. (Perrusquia Decl. ¶ 16, Attach. 6 at 1.) DA Weirich's letter stated:

On June 12, 2018, the Shelby County Sheriff's Office ***delivered the above-referenced investigation to me.*** I have reviewed the written reports and ***watched all video relevant to this matter.*** Based upon all the facts

and circumstances, no criminal charges will be filed by this office against Memphis Police Department Officer Brandon Jenkins, IBM #12584.

In order for our office to present a case to the grand jury, we must have a reasonable likelihood of conviction by a jury given any possible defenses. The inmate pleaded guilty to assaulting Officer Jenkins. This fact, coupled with the entire investigative file, would make it difficult, if not impossible, for our office to refute a claim of self-defense by Officer Jenkins.

Please do not hesitate to contact me if you have any questions. In the meantime, ***we are closing this file*** in our office and returning the investigation to Sheriff Oldham.

(Perrusquia Decl. Attach. 7 at 1 (emphasis added).)

30. The Sheriff's treatment of the Sally Port Footage as part of the Sheriff's Case File in response to Mr. Perrusquia's public records request and the DA's references to "all video relevant to this matter" in her July 17, 2018 letter, among other things, demonstrate that the Sally Port Footage depicting the altercation between Officer Jenkins and Mr. Lucas was part of the case file that the Sheriff's Office sent to the DA's Office for review. (Perrusquia Decl. Attach. 3 at 4 (denying Petitioner's request for Sally Port video in the Sheriff's Case File); *id.* Attach. 5 at 1 (reiterating denial of Petitioner's request for Sally Port video in the Sheriff's Case File); *id.* Attach. 8 at 1 (DA Public Information Officer's confirmation that the DA's Office reviewed "whatever the sheriff sent"); *id.* Attach. 7 at 1 (DA Weirich's confirmation that the Sheriff's Office "delivered" the Officer Jenkins "investigation to me" and that she had "reviewed the written reports and watched all video relevant to this matter").)

31. On October 16, 2020, Mr. Perrusquia requested that the DA's Office provide a copy of the Sally Port Footage: "Question: Amy [Weirich]'s letter in the Jenkins case references video. Can I please get a copy of that video?" (Perrusquia Decl. ¶ 17, Attach. 6 at 1 (hereinafter the "DA's Office Request").)

32. Later that same day, Mr. Buser responded to the DA's Office Request, stating, "I'll ask her, but I think we returned the file since there was no prosecution." (Perrusquia Decl. ¶ 18, Attach. 6 at 1.) Mr. Buser denied the request later that day, stating, "Yes, it was all sent back to the sheriff." (Perrusquia Decl. ¶ 19, Attach. 8 at 1.)

33. Also on October 16, Mr. Perrusquia asked Mr. Buser, "So, did the DA only review the SCSO's reports and videos? And not MPD's reports and videos? It appears that way from the letter." (Perrusquia Decl. ¶ 20, Attach. 8 at 1.)

34. On October 20, 2020, Mr. Buser responded to Mr. Perrusquia, stating, "Yes. [W]hatever the sheriff sent." (Perrusquia Decl. ¶ 21, Attach. 8 at 1.)

35. Tenn. Code Ann. § 10-7-509(a) provides that "[t]he disposition of all state records shall occur only through the process of an approved records disposition authorization."

36. The DA's Office sets forth its records retention policy in a document entitled "Records Retention Policy for the Office of the District Attorney General 30th Judicial District, Shelby County, Tennessee." (Perrusquia Decl. ¶ 23, Attach. 10 (the "Retention Policy").)

37. Mr. Perrusquia obtained the Retention Policy via a public records request. (Perrusquia Decl. ¶ 23.)

38. The Retention Policy, consistent with Tenn. Code Ann. § 10-7-509(a), states that “[a]ll Public Records of this Office . . . shall be retained pursuant to the Records Disposition Authorization (RDA) established by the Tennessee Public Records Commission.” (Perrusquia Decl. Attach. 10 at 1.)

39. The Retention Policy states that criminal case files, including “recordings . . . received for and during the course of the investigation . . . shall be retained” for five years after completion of investigation for all misdemeanors and all felonies except first degree murder and aggravated rape. (*Id.*)

40. The Retention Policy comports with the Records Disposition Authorization (“RDA”) for the Tennessee District Attorney General’s Conference for Misdemeanor Case Files, which also requires misdemeanor case files to be retained for five years. (Perrusquia Decl. Attach. 11 at 1–2.)

41. The Retention Policy also states that “[a]ll records, other than criminal case file records, maintained by this Office shall be retained not less than 5 years from date of creation (TCA 10-7-404).” (Perrusquia Decl. Attach. 10 at 1.)

42. Under the Retention Policy and the applicable RDA, the DA’s Office was required to retain the Sally Port Footage depicting the altercation between Officer Jenkins and Mr. Lucas, which was part of the case file that the Sheriff’s Office sent to the DA’s Office for review, for no less than five years after the matter was closed.

43. On March 22, 2021, after noting the Retention Policy’s five-year retention period for closed investigations and cases, Mr. Perrusquia requested that the DA’s Office “please get [the Sally Port Footage] back from the Sheriff and release them to me in accordance with the Tennessee Public Records Act.” (Perrusquia Decl. ¶ 22, Attach. 9 at 2.)

44. Assistant District Attorney General Timothy A. Beacham denied Mr. Perrusquia’s renewed request on March 24, 2021, stating “This Office continues to review its files to determine whether a copy of the requested video exists among the Office’s records. However, your request for this Office to retrieve records from the Shelby Co. Sheriff’s Office and make them available to you is denied.” (Perrusquia Decl. ¶ 24, Attach. 9 at 1.)

45. In the same email, Beacham also stated: “This Office regularly discusses and reviews cases with various law enforcement agencies within this jurisdiction in determining pre-arrest and pre-indictment charging decisions. During the course of this review, this Office may access and review records of the law enforcement agency. Typically, this Office does not retain those records.” (Perrusquia Decl. ¶ 24, Attach. 9 at 1.)

46. In the same email, Beacham also stated, “[t]he brief temporary review of another agency’s records does not typically warrant such retention as a part of this Office’s function. This is not the type of activity envisioned by the legislature in the application of the Tenn. Open Records Act.” (Perrusquia Decl. ¶ 24, Attach. 9 at 1.)

47. On two different occasions DA's Office Public Information Officer Larry Buser told Mr. Perrusquia that the DA's Office had returned the Sheriff's Case File to the Sheriff and had not retained a copy of what was received and reviewed from the Sheriff. (Perrusquia Decl. Attach. 6 at 1 ("I think we returned the file since there was no prosecution."); *id.* Attach. 8 at 1 (stating that "it was all sent back to the sheriff" in response to Mr. Perrusquia's request for the Sally Port Footage); *see also id.* Attach. 9 at 1 (statement by Assistant District Attorney General Beacham that the DA's Office was "currently reviewing its records to determine whether a copy of the specific video requested exists among our files").)

48. In none of its communications to Mr. Perrusquia did the DA's Office claim it disposed of the Sally Port Footage pursuant to an approved Records Disposition Authorization, as required by Tennessee law.

CLAIMS FOR RELIEF

Count I – Failure to Provide Access to Public Records Against Both Respondents

49. Petitioner incorporates the allegations in paragraphs 1 through 48.

50. Pursuant to the TPRA, Mr. Perrusquia requested the Sally Port Footage from both the Sheriff and the DA.

51. Both the Sheriff and the DA denied Mr. Perrusquia's public records requests for the Sally Port Footage.

52. The Sally Port Footage is a public record because it was made by the Sheriff pursuant to law or ordinance or in connection with the transaction of the

Sheriff's official business and because it was received by the DA pursuant to law or ordinance or in connection with the transaction of the DA's official business.

53. No exemption applies to bar production of the Sally Port Footage to Mr. Perrusquia by Respondents.

54. The exemption in Tenn. Code Ann. § 10-7-504(m)(1)(E) asserted by the Sheriff to withhold the Sally Port Footage on the basis that the video is related to the security of governmental buildings and surveillance provisions is inapplicable. The Sally Port Footage is excepted from Tenn. Code Ann. § 10-7-504(m)(1)(E) because the requested video segment includes "an act or incident involving public safety or security or possible criminal activity" as demonstrated by the fact that the Sheriff investigated the underlying incident portrayed in the Sally Port Footage as a possible assault and referred the matter to the DA for review for possible criminal charges against Officer Jenkins, among other things. Moreover, Mr. Lucas pled guilty to assaulting Officer Jenkins and that altercation would also appear in the Sally Port Footage.

55. The DA's reason for not producing the Sally Port Footage is equally unjustifiable under the TPRA.

56. Pursuant to the TPRA, the DA was required to retain the Sheriff's Case File, including the Sally Port Footage because the DA received it from the Sheriff pursuant to law or ordinance or in connection with the transaction of the DA's official business.

57. The DA returned the Sheriff's Case File, including the Sally Port Footage, to the Sheriff and did not dispose of it pursuant to an RDA or its own Retention Policy.

58. Mr. Perrusquia is therefore entitled to receive the public records he requested under the TPRA from both the Sheriff and the DA.

59. Tenn. Code Ann. § 10-7-505(g) provides that the Court may award "all reasonable costs involved in obtaining the record, including reasonable attorneys' fees" if the government "knew that such record was public and willfully refused to disclose it."

60. The DA and the Sheriff both knew that the records sought by Mr. Perrusquia were public and not exempt, and willfully refused to disclose them to him.

61. Therefore, both the Sheriff and the DA should be required to produce the Sally Port Footage to Mr. Perrusquia and he should be awarded reasonable costs, including reasonable attorneys' fees in this case.

Count II – Failure to Retain Public Records Against the DA

62. Petitioner incorporates the allegations in paragraphs 1 through 61.

63. Pursuant to the TPRA, the DA was required to retain the Sheriff's Case File, including the Sally Port Footage, because the DA received it from the Sheriff pursuant to law or ordinance or in connection with the transaction of the DA's official business.

64. The DA returned the Sheriff's Case File, including the Sally Port Footage, to the Sheriff and did not dispose of it pursuant to an RDA or its own Retention Policy.

65. The DA's failure to retain the Sally Port Footage, and the entire case file that the Sheriff's Office sent to the DA's Office for review, after she received and reviewed it in making her decision whether to charge Officer Jenkins is a violation of the TPRA and the DA's own retention schedule.

66. Tenn. Code Ann. § 10-7-505(d) provides that the Court "shall be empowered to exercise full injunctive remedies and relief to secure the purposes and intentions of this section."

67. Moreover, Tenn. Code Ann. § 1-3-121 provides that "a cause of action shall exist . . . for any affected person who seeks declaratory or injunctive relief in any action brought regarding the legality or constitutionality of a governmental action."

68. Tenn. Code Ann. § 10-7-505(g) provides that the Court may award "all reasonable costs involved in obtaining the record, including reasonable attorneys' fees" if the government "knew that such record was public and willfully refused to disclose it."

69. The DA knew that it was legally required to retain the Sheriff's Case File, including the Sally Port Footage, because they were public records for which there was no applicable RDA and the DA willfully refused to retain them.

70. Therefore, Mr. Perrusquia is entitled to a declaration that the DA had a legal obligation to retain the Sheriff's Case File, including the Sally Port Footage, an injunction requiring the Sheriff to provide and the DA to retain the Sheriff's Case File, including the Sally Port Footage, an injunction requiring the DA to retain future materials it receives when deciding whether to prosecute a possible crime, and an award of all reasonable costs, including reasonable attorneys' fees from the DA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Jose Marcus Perrusquia prays that this Court:

- 1) Immediately issue an order, pursuant to Tenn. Code Ann. § 10-7-505(b), requiring the DA and the Sheriff to appear before this Court and show cause, if they have any, why this petition should not be granted;
- 2) Grant Petitioner a declaratory judgment that the records sought are public records under Tennessee Law for which no exemption applies, that the DA had a legal obligation to retain the Sally Port Footage, and that the DA's and Sheriff's failure to grant access to Mr. Perrusquia to these public records constitutes a violation of the TPRA, which was knowing and willful;
- 3) Order the DA and Sheriff to immediately provide Mr. Perrusquia with copies of the Sally Port Footage he requested;
- 4) Grant injunctive relief against the DA and Sheriff pursuant to Tenn. Code Ann. § 10-7-505(d) and Tenn. Code Ann. § 1-3-121 requiring

- a) the Sheriff's Office to provide the DA's Office with a copy of the Sally Port Footage as well as its entire case file on the Jenkins matter that it had previously provided to the DA's Office,
 - b) the DA's Office to receive and retain the Jenkins investigative materials, including the Sally Port Footage, from the Sheriff's Office consistent with the applicable public records retention policy and RDA, and
 - c) the DA's Office to retain copies of all records that it receives as part of its decision-making process regarding whether to criminally prosecute persons alleged to have committed a crime.
- 5) Grant Petitioner reasonable costs and attorneys' fees pursuant to Tenn. Code Ann. § 10-7-505(g);
 - 6) Grant Petitioner discretionary costs under Tenn. R. Civ. P. 54;
 - 7) Grant Petitioner such other equitable relief as may be necessary to secure the purposes and intentions of the TPRA; and
 - 8) Grant Petitioner all further relief to which he may be entitled.

June 6, 2022

Respectfully submitted,

s/ Paul R. McAdoo
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