

IN THE DAUPHIN COUNTY COURT OF COMMON PLEAS  
CIVIL DIVISION

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DAUPHIN COUNTY  
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NEXSTAR MEDIA INC.,

*Petitioner,*

v.

PENNSYLVANIA STATE POLICE,

*Respondent.*

Docket No. 2025 CV 5096

**PETITION FOR REVIEW**

Petitioner Nexstar Media Inc., owner and/or operator of television stations WKBN/WYFX/WYTV, Youngstown, Ohio<sup>1</sup> and WTAJ-TV, Altoona, Pennsylvania (“Nexstar”), hereby files this Petition for Review under Act 22 of 2017, 42 Pa.C.S. §§ 67A01 *et seq.* (“Act 22”), which permits any member of the public and the press to request video and audio recordings created by law enforcement agencies and further allows a right of appeal in the event access is denied. In support of its appeal, Petitioner avers as follows:

**PARTIES**

1. Petitioner Nexstar is a leading diversified media company that produces and distributes engaging local and national news, sports and entertainment content across its television and digital platforms, including more than 316,000 hours of programming produced annually by its business units. Nexstar owns America’s largest local broadcasting group comprised of top network affiliates, with more than 200 owned or partner stations in 116 U.S. markets reaching 220 million people. Among Nexstar’s owned or partner stations are those in Pennsylvania and Ohio.

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<sup>1</sup> Nexstar Media Inc. owns WKBN/WYFX and provides services to WYTV through an outsourcing agreement.

2. In Pennsylvania, Nexstar Media Inc. is the owner and/or operator of television station WTAJ-TV, Altoona, Pennsylvania. WTAJ-TV's business address is 5000 6th Avenue #1, Altoona, PA 16602. The business address of WKBN/WYFX/WYTV is 3930 Sunset Boulevard, Youngstown, OH 44512. One of Nexstar's Ohio employees located at 3930 Sunset Boulevard is Chelsea Simeon, a digital executive producer.

3. Respondent Pennsylvania State Police is the entity that denied Petitioner's request for body-worn camera footage per 42 Pa.C.S. § 67A06(a)(2). Respondent's headquarters are located at 1800 Elmerton Avenue, Harrisburg, PA 17110.

### **JURISDICTION**

4. Respondent is a state agency located within Dauphin County; the request denial came from an office based in Dauphin County; therefore, the Court has jurisdiction over this matter. *See* 42 Pa.C.S. § 67A06(a)(1) (providing right of appeal to court of common pleas).

### **STATEMENT OF FACTS**

5. On April 4, 2025, Deshawn Leeth was involved in a car crash on the Ohio Turnpike. The Ohio State Highway Patrol responded to the crash. During that response, Mr. Leeth stole the officer's car and fled the scene, driving into Beaver County, Pennsylvania. Madison Meeker & Sarah DeLisio, *Man Who Stole, Crashed Police Cruiser on Turnpike Has Died: Troopers*, WKBN (Apr. 5, 2025), <https://www.wkbn.com/news/local-news/police-cruiser-stolen-crashed-on-turnpike/>.

6. Once Mr. Leeth crossed the border into Pennsylvania, the Pennsylvania State Police ("PSP") began to chase him, ultimately resulting in the crash of the stolen police vehicle. Following an altercation, a PSP trooper shot and killed Mr. Leeth. *Id.*

7. Following the incident and an investigation, the Beaver County District Attorney ruled that there was no wrongdoing and that the shooting was justified. Katelyn Amato, *Trooper-involved Shooting on Turnpike Justified: Beaver County District Attorney*, WKBN (May 21, 2025), <https://www.wkbn.com/news/ohio/trooper-involved-shooting-on-turnpike-justified-beaver-county-district-attorney/>.

8. Chelsea Simeon is a producer at the Nexstar TV stations who has been working for WKBN since 2015.

9. On May 27, 2025, Ms. Simeon sent to PSP via certified mail a request pursuant to 42 Pa.C.S. §§ 67A01 *et seq.* seeking body camera footage capturing the Leeth shooting incident. *See* Decl. of Chelsea Simeon (attached and incorporated herein as **Exhibit A**).

10. On June 6, 2025, the PSP issued a written denial of Ms. Simeon's Act 22 request. *See* June 6, 2025 PSP Letter (attached and incorporated herein as **Exhibit B**). The denial letter, signed by Shane Thompson, the Deputy Agency Open Records Officer, stated that the recordings sought by Ms. Simeon's Act 22 request "contain[] potential evidence in a criminal matter, information pertaining to an investigation or a matter in which a criminal charge has been filed ... and reasonable redaction . . . would not safeguard the evidence or information." *Id.*

11. The letter also informed Ms. Simeon that "the investigation remains open at this time." *Id.*

12. WKBN, through other reporters, has had success obtaining similar records concerning this incident from other law enforcement agencies. On April 11, 2025, the news outlet was provided a copy of the body camera and dash camera footage of the Ohio officers involved in the Leeth incident. *See* April 11, 2025 Email from Sergeant Ashley Jackson of the Ohio State Highway Patrol (attached and incorporated herein as **Exhibit C**).



13. Footage of the PSP officers' interaction with Mr. Leeth has also been captured by bystanders and shared publicly. *See* Patrick Damp, *Dash and Body Camera Footage Reveals What Troopers Were Up Against in Last Week's Ohio-Pennsylvania Chase*, CBS News (Apr. 11, 2025), <https://www.cbsnews.com/pittsburgh/news/dash-and-body-camera-footage-ohio-pennsylvania-turnpike-chase>.

### ARGUMENT

14. Petitioner incorporates by reference paragraphs 1–13 as if fully set forth herein.

15. Act 22 provides a statutory right of access by which the public may request and review police body camera footage to foster accountability and public trust in law enforcement. *See generally* 42 Pa.C.S. §§ 67A01 *et seq.*; *see also* Press Release, Commonwealth of Pa., *The Shapiro Administration Announces Pennsylvania Capitol Police Fully Implement Body Camera Technology* (Mar. 13, 2023), <https://perma.cc/E8VA-3HF4> (discussing how body cameras “add[] another layer of transparency, accountability, and safety for both the public and our officers”); Press Release, Governor Tom Wolf, *Wolf Administration Receives Federal Grant for State Police Body-Worn Camera Pilot Program* (July 7, 2017), <https://perma.cc/982V-UCC9> (“[B]ody-worn cameras strengthen police accountability, prevent confrontational situations, and improve evidence documentation.”); Pa. S. Legis. J., 201st Gen. Assemb., at 461 (May 9, 2017), <https://perma.cc/99TE-HBT9> (“[W]e want to become more open and transparent with respect to body cameras as we move forward.”) (statement of Senator Jay Costa).

16. Pursuant to 42 Pa.C.S. § 67A06(e), this Court should grant this Petition and order disclosure of the requested footage if it determines that Petitioner has established the following by a preponderance of the evidence:

- i. Respondent's denial was arbitrary and capricious; and

- ii. The public interest in disclosure or the interest of Petitioner outweighs the interests of law enforcement or an individual's interest in nondisclosure.

17. "A preponderance of the evidence standard, the lowest evidentiary standard, is tantamount to a more likely than not inquiry." *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 374 (Pa. Commw. Ct. 2013) (citation and internal quotation marks omitted), *supplemented by* No. 1348 C.D. 2012, 2013 WL 3357733 (Pa. Commw. Ct. July 3, 2013).

**Respondent's Denial of Access Was Arbitrary and Capricious**

18. Administrative action is "arbitrary and capricious where it is unsupportable on any rational basis because there is no evidence upon which the action may be logically based." *Cary v. Bureau of Pro. & Occupational Affs.*, 153 A.3d 1205, 1210 (Pa. Commw. Ct. 2017) (citation omitted).

19. The United States Supreme Court has summarized the arbitrary and capricious standard as follows:

[T]he agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made. In reviewing that explanation, [a court] must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment.

*Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (citations and internal quotation marks omitted).

20. Here, it is more likely than not that Respondent's denial of access was arbitrary and capricious.

21. Per Section 67A04(a) of the Act, a law enforcement entity may *only* deny an Act  
22 request if the relevant audio or video footage "contains potential evidence in a criminal matter, information pertaining to an investigation or a matter in which a criminal charge has been filed,

confidential information[,] or victim information[,] and the reasonable redaction of the audio or video recording would not safeguard” said evidence or information. 42 Pa.C.S. § 67A04(a).

22. Here, the requested footage cannot be considered exempt for investigative or evidentiary purposes because the Beaver County District Attorney has already determined that there were no criminal violations on behalf of the officers involved in the April 4, 2025 incident. *Amato, Trooper-involved Shooting on Turnpike Justified, supra*. Thus, there is no pending or prospective investigation or law enforcement proceeding to serve as the basis for the exemption upon which Respondent has relied. Accordingly, Respondent’s reliance on this exemption to withhold the requested body-worn camera and dashboard footage is arbitrary and capricious.

23. Further, there is also no “confidential information or victim information” in the requested records rendering them exempt from disclosure. Indeed, the footage cannot contain confidential information or victim information with respect to Mr. Leeth because “a person’s privacy right terminates at death,” *New Era Publ’ns Int’l v. Henry Holt & Co.*, 873 F.2d 576, 588 n.4 (2d Cir. 1989) (Oakes, C.J., concurring) (citing cases), and the only victim implicated by the requested footage is Mr. Leeth—now deceased, *cf. Frick v. Stevens*, 43 Pa. D. & C.2d 6, 42 (Pa. Ct. Com. Pl., Cumberland Cnty. 1967) (“How can one expose one who is dead to public hatred, contempt or ridicule?”).

24. On information and belief, the remaining persons seen or heard in the requested footage are police officers—public officials who openly display their identities on their badges for the principal purpose of fostering oversight of their on-duty conduct; their identities are not “confidential” within the meaning of the Act. *Cf.* 65 P.S. § 67.708(b)(6) (mandating public access to names and job titles of public employees (except officers operating undercover)); *Fields v. City of Philadelphia*, 862 F.3d 353, 359 (3d Cir. 2017) (“[R]ecording police activity in public falls



squarely within the First Amendment right of access to information.”). For these reasons, too, Respondent’s continued withholding of the requested footage on the basis that it may contain confidential or victim information is arbitrary and capricious.

**The Public Interest in Disclosure Outweighs Any Countervailing Interests in Nondisclosure**

25. It is more likely than not that the public interest in disclosure of the requested footage, and/or the interest of Petitioner, outweighs the interests of Respondent and/or an individual’s interest in nondisclosure.

26. In making its public interest disclosure determination, this Court may consider:

- i. “the public’s interest in understanding how law enforcement officers interact with the public,”
- ii. “the interests of crime victims, law enforcement and others with respect to safety and privacy,” and
- iii. “the resources available to review and disclose the audio recording or video recording.”

42 Pa.C.S. § 67A06(e).

27. Here, there is significant public interest in the circumstances surrounding the April 4, 2025 police shooting of Mr. Leeth. In addition to Petitioner WKBN’s coverage of this incident, *see supra* paras. 5–7, 12, numerous news outlets throughout Pennsylvania and beyond have analyzed and reported on the fatal shooting. *See, e.g., Man Killed by Police After Chase in Stolen Cruiser on Pennsylvania Turnpike Identified*, WPXI (Apr. 9, 2025), <https://www.wpxi.com/news/local/man-killed-by-police-after-chase-stolen-cruiser-pennsylvania-turnpike-identified/D3O6JRTX5JFNVCVWF6MNLYDERQ/>; Patrick Damp & Ricky Sayer, *Suspect Shot and Killed by Police in Chase That Spanned from Ohio to Pennsylvania*, CBS News

(Apr. 9, 2025), <https://www.cbsnews.com/pittsburgh/news/pa-turnpike-crash-ohio-police-chase-beaver-county/>; *Police Shoot and Kill Man in Beaver County After Chase in Stolen Cruiser Through Ohio and Pa.*, Pittsburgh Post-Gazette (Apr. 5, 2025), <https://www.post-gazette.com/news/crime-courts/2025/04/05/police-chase-beaver-county-turnpike-shooting/stories/202504050035>.

28. This sprawling coverage stems from the public’s profound interest in better understanding law enforcement officers’ interactions with their communities. Justice Brennan recognized half a century ago that members of the news media may “guard[] against the miscarriage of justice by subjecting the police, prosecutors, and judicial processes . . . to the cleansing effects of exposure and public accountability.” *Neb. Press Ass’n v. Stuart*, 427 U.S. 539, 587 (1976) (Brennan, J., concurring) (citation omitted). Indeed, “[c]ommentary and reporting on the criminal justice system”—in which police officers play a central role—“is at the core of First Amendment values, for the operation and integrity of that system is of crucial import to citizens concerned with the administration of government.” *Id.*

29. These principles are echoed today by communities and governments in Pennsylvania and beyond, particularly in light of renewed calls for meaningful oversight of law enforcement—and in the wake of police killings, such as the murder of George Floyd by Minneapolis police officers in 2020. *See, e.g.,* Commonwealth of Pa., Governor’s Office. Exec. Order 2020-04 (Apr. 30, 2021), <https://perma.cc/BL5L-U3DC> (affirming that “the Commonwealth must take action to . . . strengthen accountability of law enforcement personnel” and “identify[] necessary system-level reforms to promote transparency”); Pa. NewsMedia Ass’n, Testimony Before S. Judiciary Comm. on Body Camera Footage/Legislation, at 1 (Apr. 28, 2015), <https://perma.cc/4BUQ-SM6H> (advocating that “[b]ody camera footage of suspects being



approached, detained or placed under arrest, including footage that depicts the interaction between officers and the subject of the police action, must be presumptively public, in order to provide accurate, fair information about the circumstances that led to the incident at issue”).

30. The information released to date about the April 4, 2025 incident leaves many important questions unanswered. Access to the requested footage will give the public and the press insight into these questions to better understand the circumstances surrounding Mr. Leeth’s death at the hands of law enforcement.

31. Finally, the PSP has “the resources available to review and disclose the audio recording or video recording.” 42 Pa.C.S. § 67A06(e).

32. The PSP and law enforcement officials in Pennsylvania routinely release body camera footage proactively or in response to an Act 22 request. For instance, in the wake of massive public outcry over the fatal police shooting of a 27-year-old Lancaster man, Lancaster police released footage from the officers’ body cameras. See Lori Burkholder, *Lancaster Police Video: Man Fatally Shot Ran at Officer While Holding Knife*, WGAL8 (Sept. 14, 2020), <https://www.wgal.com/article/lancaster-police-body-cam-video-shooting-man-armed-with-knife-ricardo-munoz/34009627>. Similarly, police in Philadelphia, in consultation with their elected District Attorney, released body camera footage showing the death of a man at the hands of law enforcement. Max Marin, *‘Shoot him’: Body camera footage shows officers who shot and killed Walter Wallace Jr.*, WHYY (Nov. 4, 2020), <https://perma.cc/CG6N-A5FL>. In Lancaster County, a recent Act 22 appeal was voluntarily dismissed after the City of Lancaster agreed to produce more than 16 hours of footage depicting law enforcement clashes with protesters. Notice of Voluntary Dismissal, *Meko v. City of Lancaster*, No. CI-21-00277 (Pa. Ct. Com. Pl., Lancaster Cnty. Oct. 4, 2021). And in Cumberland County, another Act 22 matter was dismissed after the

Cumberland County District Attorney agreed to permit Patriot-News/PennLive reporter Charles Thompson to view body camera footage of the fatal police shooting of Roger Wayne Ellis. *See* Notice of Voluntary Dismissal, *Thompson v. Cumberland Cnty.*, No. 2022-3057 (Pa. Ct. Com. Pl., Cumberland Cnty. July 28, 2022), <https://www.rcfp.org/litigation/thompson-v-cumberland-county/>.

33. Indeed, modern technology renders release of the audio and video footage Petitioner seeks here—along with any necessary redaction or blurring—routine and straightforward. For instance, a Lancaster County reporter’s Act 22 request was fulfilled by a local police department within five days of submission of the request. Carter Walker, *Lancaster County president judge at traffic stop: ‘You better check the registration on this plate soon’* [video], LancasterOnline (June 16, 2019), <https://perma.cc/8GKB-Q5AZ>. In Harrisburg, law enforcement released video of an incident involving police interacting with a community activist within mere days. *See* Christine Vendel, *Police release body cam video of Harrisburg activist’s arrest after she calls for officer to be fired*, PennLive (Nov. 12, 2020), <https://perma.cc/U5AP-TCWH>.

34. Relatedly, courts across the country have recognized that in lieu of “categorically ban[ning] disclosure of all investigatory” records, agencies need only employ “ways to limit rather than wholly exclude the release of the records sought so as to address any reasonable concerns,” such as “blurring portions of video that show [witnesses’] faces, and possibly altering their voices,” *Courier-J., Inc. v. Shively Police Dep’t*, No. 2021-CA-1120-MR, 2022 WL 16842295, at \*7 (Ky. Ct. App. Nov. 10, 2022) (involving request by a Kentucky newspaper); *see also Stahl v. Dep’t of Just.*, No. 19-CV-4142 (BMC), 2021 WL 1163154, at \*7 (E.D.N.Y. Mar. 26, 2021) (opining that because editing of audio-visual material to satisfy public records requests “is routine and inexpensive, an agency cannot credibly claim that it lacks access to this technology”).

35. So too here. Accordingly, Respondent should disclose the requested footage, with any necessary redactions, per the clear tenets of Act 22.

WHEREFORE, Petitioner asks this Honorable Court to:

1. Grant this Petition for Review and order access to the requested records; or
2. In the alternative, grant this Petition for Review and establish a briefing schedule or set a date for an evidentiary hearing; and
3. Grant such other relief as may be appropriate.

Respectfully submitted,

Dated: July 3, 2025

/s/ Paula Knudsen Burke

Paula Knudsen Burke  
REPORTERS COMMITTEE FOR  
FREEDOM OF THE PRESS  
PA ID: 87607  
PO Box 1328  
Lancaster, PA 17608  
pknudsen@rcfp.org  
*Counsel for Petitioner*



### VERIFICATION

I, Paula Knudsen Burke, hereby state that the facts above set forth in the Petition for Review are true and correct to the best of my knowledge, information and belief and I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Signed: /s/ Paula Knudsen Burke

Dated: July 3, 2025

## **CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Paula Knudsen Burke

Signature: /s/ Paula Knudsen Burke  
Attorney No.: 87607

### **CERTIFICATE OF SERVICE**

Pursuant to 42 Pa.C.S. § 67A06(b)(4), I hereby certify that this Petition and its attachments will be served upon the Respondent via hand-delivery within five days of the date of filing with this Court by hand-delivery. :

Shane Thompson  
Deputy Agency Open Records Officer  
Pennsylvania State Police  
Bureau of Records & Identification  
Right-to-Know Law/Subpoena Section  
1800 Elmerton Avenue  
Harrisburg, PA 17110

Submitted by: Paula Knudsen Burke

Signature: /s/ Paula Knudsen Burke  
Attorney No.: 87607



# **Exhibit A**

**IN THE DAUPHIN COUNTY COURT OF COMMON PLEAS  
CIVIL DIVISION**

**NEXSTAR MEDIA INC,**

*Petitioner,*

v.

**PENNSYLVANIA STATE POLICE,**

*Respondent.*

Docket No. \_\_\_\_\_

**DECLARATION OF CHELSEA SIMEON**

I, Chelsea Simeon, declare as follows:

1. I am the Digital Executive Producer for television stations WKBN/WYFX/WYTV<sup>1</sup>,  
Youngstown, Ohio.
2. My business address is 3930 Sunset Boulevard, Youngstown, Ohio 44512.
3. I have personal knowledge of the matters stated in this declaration.
4. A critical component of my work as an executive producer is obtaining and reviewing  
government records through the use of state and federal public records laws, as well as  
obtaining judicial records from state and federal courts.
5. Following the April 4, 2025 shooting death of a man in North Sewickley Township,  
Beaver County, Pennsylvania, I sought to provide our readers and viewers with more  
information about what happened.
6. On April 10, 2025 I filed a Right to Know Law request with the Pennsylvania Office of  
Administration. On that same day the Office of Administration's open records officer,

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<sup>1</sup> Nexstar Media Inc. owns WKBN/WYFX and provides services to WYTV through an outsourcing agreement

Wha Lee Strohecker, emailed me and said that I did not contact the right agency for those records and referred me to the Pennsylvania State Police ("PSP").

7. After I was referred to the PSP, I filed two requests pursuant to Act 22 for information related to body camera footage of the April 4, 2025 fatal shooting. The request for purposes of the instant Petition for Review is the May 27, 2025 request.
8. On May 27, 2025 I sent via certified mail addressed to the Pennsylvania State Police, Bureau of Records, 1800 Elmerton Avenue, Harrisburg, PA, 17110 a hand-written request for body camera footage. I did not maintain a copy of the request, but the request was substantially similar to the following language:

*We would like to request body camera footage showing the exchange with troopers and Deshawn Dante Leeth on Friday, April 4. This would have happened on the Turnpike near mile marker 15 in North Sewickley Township in Beaver County. I work for the news station and am requesting the footage as part of newsgathering purposes as it is in the public interest. If my request is being denied due to an open investigation, cite what specifically is under investigation, since the suspect is dead and the shooting was ruled justified by the Beaver County District Attorney.*

A copy of the Certified Mail Receipt is attached and incorporated herein as **Declaration Exhibit 1**.

9. On or about June 17, 2025 a denial letter from the PSP was delivered to me in the newsroom. The denial letter was dated June 6, 2025 but the postmark on the envelope was June 9, 2025. A copy of the envelope with the postmark is attached and incorporated herein as **Declaration Exhibit 2**.

I declare under penalty of perjury that the foregoing is true and correct. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Executed on 6/27/25 [date]



Chelsea Simeon



# **Declaration**

## **Exhibit 1**

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)™

Harrisburg, PA 17101-5587

Certified Mail Fee \$4.85  
\$0.00  
Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$0.00  
☐ Return Receipt (electronic) \$0.00  
☐ Certified Mail Restricted Delivery \$0.00  
☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.73

Total Postage and Fees \$5.58

Sent To: Pennsylvania State Police, Bureau of Records  
Street and Apt. No., or PO Box No.: 1800 Elmerton Ave.  
City, State, Zip+4: Harrisburg, Pa 17110

PS Form 3800, January 2023 PSN 7530-02-000-9947 See Reverse for Instructions

9589 0710 5270 2241 5587 74



**Declaration**

**Exhibit 2**



PENNSYLVANIA STATE POLICE  
DEPARTMENT HEADQUARTERS  
1800 ELMERTON AVENUE  
HARRISBURG, PENNSYLVANIA 17110

Chelsea Simeon  
3930 Sunset Blvd.  
Youngstown, Ohio 44512



An Internationally Accredited Law Enforcement Agency **44512** 

# **Exhibit B**



**PENNSYLVANIA STATE POLICE**  
DEPARTMENT HEADQUARTERS  
1800 ELMERTON AVENUE  
HARRISBURG, PENNSYLVANIA 17110

Mailing Date: June 6, 2025

Chelsea Simeon  
3930 Sunset Blvd.  
Youngstown, Ohio 44512

PSP- AV Request N° 2025-0149

Dear Ms. Simeon:

The Pennsylvania State Police (PSP) received your request for audio and or video records related to an incident that occurred on April 4, 2025 on the Turnpike at Mile Marker 15 in North Sewickley Township in Beaver County involving Deshawn Dante Leeth at approximately 5:30 a.m. – 6:00 p.m.

Your request is respectfully denied to the extent that the responsive record you seek is not accessible to the public. Title 42 Section 67A04, Law Enforcement review, states, *If a law enforcement agency determines that an audio recording or video recording contains potential evidence in a criminal matter, information pertaining to an investigation or a matter in which a criminal charge has been filed, confidential information or victim information and reasonable redaction of the audio or video recording would not safeguard potential evidence, information pertaining to an investigation, confidential information or victim information, the law enforcement agency shall deny the request in writing.*

PSP has determined that the audio/video recording you have requested contains potential evidence in a criminal matter, information pertaining to an investigation and reasonable redaction of the audio/video recording would not safeguard the evidence or information pertaining to the investigation. Please be advised the investigation remains open at this time.

Additionally, the Judicial Code provides a procedure by which an individual may request an audio or video recording made by a law enforcement agency. Section 67A03 provides the following:

67A03. Requests for law enforcement audio recordings or video recordings.

The following shall apply:



- (1) An individual who requests an audio recording or video recording made by a law enforcement agency shall, within 60 days of the date when the audio recording or video recording was made, serve a written request to the individual who is designated as the open-records officer for the law enforcement agency under section 502 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. ***Service is effective upon receipt of the written request by the open-records officer from personal delivery or certified mail with proof of service.***

In closing, you have a right to appeal this response by submitting a petition for judicial review in the court of common pleas with jurisdiction in accordance with the procedures provided below under Title 42.

§ 67A06. *Petition for judicial review.*

(a) *Petition.--*

(1) *If a request under section 67A03 (relating to requests for law enforcement audio recordings or video recordings) is denied, the requester may file a petition for judicial review in the court of common pleas with jurisdiction within 30 days of the date of denial.*

(2) *The respondent to a petition filed under this section shall be the entity that denied the request for the audio recording or video recording under section 67A05(a) (relating to procedure) unless the request is denied under section 67A05(b), in which case the law enforcement agency that created the audio recording or video recording shall be the respondent.*

(b) *Duties of petitioner.--A petitioner under this section shall have the following duties:*

(1) *The petitioner shall pay a filing fee of \$125.*

(2) *If the incident or event that is the subject of the request occurred inside a residence, the petitioner shall certify that notice of the petition has been served or that service was attempted on each individual who was present at the time of the audio recording or video recording and on the owner and occupant of the residence. Notice shall not be required under this paragraph if the identity of an individual present or the location is unknown and not reasonably ascertainable by the petitioner. Service shall be effective upon receipt from personal delivery or certified mail with proof of service.*

(3) *The petitioner shall include with the petition a copy of the written request under section 67A03 that was served on the law enforcement agency and any written responses to the request that were received.*

(4) *The petitioner shall serve the petition on the open-records officer of the respondent within five days of the date that the petitioner files the petition with the court of common pleas with jurisdiction, and service shall be effective upon receipt by the open-records officer for personal delivery or certified mail with proof of service*



Respectfully,

Shane Thompson  
Deputy Agency Open Records Officer  
Pennsylvania State Police  
Bureau of Records & Identification  
Right-to-Know Law/Subpoena Section  
1800 Elmerton Avenue  
Harrisburg, Pennsylvania 17110  
Email: RA-psprighttoknow@pa.gov  
1.877.785.7771 (Main); 717.525.5795 (Fax)

Enclosures: A/V Request N° 2025-0149

# **Exhibit C**

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**From:** ARJackson@dps.ohio.gov <ARJackson@dps.ohio.gov>  
**Sent:** Friday, April 11, 2025 4:31 PM  
**To:** WKBN Web <WEB@WKBN.COM>  
**Cc:** BShaw@dps.ohio.gov <BShaw@dps.ohio.gov>  
**Subject:** Media request

Good afternoon,

In reference to your request, please see the links below.

Dashcam

<https://vimeo.com/1073323165/0faff121fc>

Bodycam

<https://vimeo.com/1073237622/754222e03f>

Respectfully,

Sergeant Ashley Jackson

Ohio State Highway Patrol

Office of the Superintendent

Public Affairs Unit

108 Fir Hill

Akron, Ohio 44325

Cell (330) 949-6237

[arjackson@dps.ohio.gov](mailto:arjackson@dps.ohio.gov)



**Department of  
Public Safety**

**CAUTION:** This message was sent from outside the Nexstar organization. Please do not click links or open attachments unless you recognize the sender.