

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24-CVS-3049

PITT COUNTY

LYDIA NIKAC,

Petitioner,

v.

PITT COUNTY OFFICE OF THE SHERIFF
and NORTH CAROLINA STATE
HIGHWAY PATROL,

Respondents.

FILED

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PITT CO.,

ORDER ON PETITIONS FOR
RELEASE OF CUSTODIAL LAW
ENFORCEMENT AGENCY
RECORDINGS AND INVESTIGATIVE
FILES

THIS MATTER came on to be heard before the undersigned Superior Court Judge on December 9, 2024, and January 13, 2025, on Petitioner's multiple petitions for the release of law enforcement recordings and investigative files under Chapter 132 of the North Carolina General Statutes.

As set forth below, the Court determines that Respondents – the Pitt County Sheriff's Office and the North Carolina State Highway Patrol – are authorized to release to Petitioner Lydia Nikac and Petitioner's counsel their investigative files and recordings relating to the October 5, 2024 incident at 6038 Clarks Neck Road, Washington, NC 27889 at issue in the petitions. The recordings and investigative files are released, and to be used, only for the limited purpose of prosecuting or defending against legal proceedings between Petitioner and one or more Respondents related to the subject matter of the recordings or investigative files. The recordings and investigative files may not otherwise be disclosed, disseminated, distributed, or made public without prior Court authorization. In reaching this determination, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On October 23, 2024, November 18, 2024, and December 2, 2024, Petitioner filed

various petitions for the release of custodial law enforcement agency recordings and, ultimately, investigative files.

2. Petitioner seeks recordings and investigative files from the Pitt County Sheriff's Office and/or North Carolina State Highway Patrol concerning events occurring on October 5, 2024, at and around 6038 Clarks Neck Road, Washington, North Carolina and about which one or more criminal investigations are ongoing.

3. The matter initially came before the Court on December 9, 2024, after which the Court ordered Petitioner, through her counsel, to serve all necessary parties entitled to notice of Petitioner's request and the hearing and to file proof of service after doing so.

4. The Court reset the matter for hearing on January 13, 2025, and also ordered that the recordings and investigative files at issue be provided to the Court for review.

5. The Court thereafter conducted an in-camera review of the recordings and investigative files provided for consideration in advance of the hearing on January 13, 2025.

6. The recordings at issue were made in Pitt County, North Carolina.

7. Petitioner's image or voice is depicted in numerous of the recordings at issue, and the recordings and investigative files otherwise largely concern or relate to matters in which Petitioner was personally involved.

8. Petitioner's attorney, Brooke Webber, is a personal representative of Petitioner, and Petitioner has consented to and requested disclosure of the recordings and investigative files to Petitioner and Petitioner's counsel, among others.

9. The persons entitled to be notified of this proceeding was given notice and an opportunity to be heard on Petitioner's requests, either individually or by such person's designated representative.

10. Counsel for Petitioner and Respondents appeared at the hearing on January 13, 2025.

11. The Court has considered the applicability of all of the standards in N.C. Gen. Stat. § 132-1.4 and § 132-1.4A (including § 132-1.4.(g)) and other applicable law.

12. Petitioner seeks the recordings and investigative files to obtain evidence to determine legal issues in a potential court proceeding.

13. Release of the recordings and investigative files might create a serious threat to the fair, impartial, and orderly administration of justice in connection with ongoing or potential criminal investigations if released to persons other than Petitioner and Petitioner's counsel, and the materials should not at this time be made available to persons other than Petitioner or Petitioner's counsel.

14. In the Court's discretion, good cause exists to release all portions of the recordings and investigative files only to Petitioner and Petitioner's counsel.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Court makes the following conclusions of law:

1. The Court has jurisdiction over the parties and the subject matter of this matter, and Pitt County Superior Court is the proper venue for this matter.

2. The recordings and investigative files at issue, by statute, are not public records but may be authorized for release.

3. Respondents should be authorized to release to Petitioner and Petitioner's counsel all portions of their respective recordings and investigative files concerning events occurring on October 5, 2024, at and around 6038 Clarks Neck Road, Washington, North Carolina.

4. Unless otherwise authorized by Court order, the recordings and investigative files


authorized for release should be used only for the limited purpose of prosecuting or defending against legal proceedings between Petitioner and one or more Respondents related to the subject matter of the recordings or investigative files.

ORDER

Accordingly, in the exercise of the Court's discretion, it is hereby **ORDERED** as follows:

1. Respondents are authorized and directed to release to Petitioner and Petitioner's counsel all portions of the recordings and investigative files in Respondents' possession concerning events occurring on October 5, 2024, at and around 6038 Clarks Neck Road, Washington, North Carolina;
2. The recordings and investigative files may be used only for the limited purpose of prosecuting or defending against legal proceedings between Petitioner and one or more Respondents related to the subject matter of the recordings or investigative files, and neither the recordings nor any portion of the investigative files may otherwise be disclosed, disseminated, or made public with prior Court authorization; and
3. If any civil action is filed between Petitioner and one or more Respondents, or otherwise concerning the recordings or investigative files at issue in this matter, the presiding Superior Court judge may authorize further disclosure or dissemination as appropriate, including in discovery.

SO ORDERED, this 3rd day of February 2025.



Matthew T. Houston
Special Superior Court Judge