

IN THE COURT OF COMMON PLEAS
of **CUMBERLAND COUNTY**
CIVIL ACTION—LAW

CHARLES THOMPSON
and
ADVANCE LOCAL MEDIA LLC
(d/b/a The Patriot-News/PennLive),

Petitioners,

v.

CUMBERLAND COUNTY,
OFFICE OF THE DISTRICT ATTORNEY

and

SEAN M. McCORMACK,
in his official capacity as Cumberland
County District Attorney,

Respondents.

Docket No. _____

PETITION FOR REVIEW

Charles Thompson and The Patriot-News/PennLive (together “Petitioners”) hereby file this Petition for Review under Act 22 of 2017, 42 Pa.C.S.A. § 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 their appeal, Petitioners aver as follows:

PARTIES

1. Petitioner Charles Thompson (“Thompson”) is an adult individual residing in Cumberland County and a reporter with The Patriot-News/PennLive. On February 25, 2022, he submitted a request for body camera and dashboard camera footage to the Cumberland County Office of the District Attorney pursuant to Act 22.

2. Petitioner The Patriot-News/PennLive is Thompson's employer and the largest newspaper serving the Harrisburg, Pennsylvania metropolitan area with print and digital news. Its headquarters are in Cumberland County at 1900 Patriot Drive, Mechanicsburg, PA 17050. It is owned by Advance Local MediaLLC.

3. Respondent Cumberland County Office of the District Attorney is the entity that denied Petitioners' request for body-worn camera and dashboard camera footage, per 42 Pa.C.S.A. § 67A06(a)(2). It is a local government entity headed by District Attorney Sean M. McCormack, an elected official.

4. Respondent Sean M. McCormack is the elected District Attorney for Cumberland County. He is sued in his official capacity only. His office is located at 1 Courthouse Square, 2nd Floor, Suite 202, Carlisle, PA 17013.

JURISDICTION

5. Petitioners and Respondents are located within Cumberland County; the incident giving rise to the requested body camera and dashboard camera footage occurred in Cumberland County; therefore, the Court has jurisdiction over this matter. *See* 42 Pa.C.S.A. § 67A06(a)(1) (providing right of appeal to court of common pleas).

STATEMENT OF FACTS

6. On February 16, 2022, a man was fatally shot by a North Middleton Township police officer during an attempt to serve an arrest warrant. The incident occurred at or around 1 Brittney Drive, Carlisle, PA 17013. Charles Thompson, *Central Pa. man shot by police had told friends he did not want to go back to prison*, PennLive/The Patriot-News (Feb. 17, 2022), <https://perma.cc/5CVL-M2YM>.

7. The decedent, Roger Wayne Ellis (“Ellis”), was armed, and had shot an officer during the incident. The officer was saved from injury by a bullet-proof vest. *Id.*

8. According to Thompson’s reporting, two Camp Hill Borough police officers arrived at the property to serve Ellis with a warrant and make an arrest. The Camp Hill officers were accompanied by an unspecified number of North Middleton Township officers. A Newville borough officer was also on the scene. Charles Thompson, *Central Pa. man killed by police was armed, had shot at an officer during arrest attempt: investigators*, PennLive/The Patriot-News (Feb. 17, 2022), <https://perma.cc/4M53-AEF7>.

9. Ellis, attempting to escape arrest, was shot by a North Middleton Township officer and died at the scene. It is not certain whether Ellis posed a threat to law enforcement immediately preceding his death. *Id.*

10. Thompson, a reporter with The Patriot-News since 1999, covers state government in the Commonwealth. He has also covered various Cumberland County municipalities and school districts and is familiar with newsgathering by way of public records laws to facilitate community-oriented reporting.

11. On February 25, 2022, Thompson hand-delivered an Act 22 request for body camera and dashboard camera footage capturing the Ellis shooting incident to North Middleton Township at 2051 Spring Road, Carlisle, PA 17013. *See Ex. A.*

12. Upon information and belief, North Middleton Township’s Right to Know Law officer or an agent transmitted the Act 22 request to the Cumberland County District Attorney’s Office. *See Ex. B.*

13. On March 8, 2022, the Cumberland County District Attorney’s Office issued a written denial of Thompson’s Act 22 request. *Id.* The denial letter, signed by an assistant district

attorney, stated that the recordings sought by Thompson’s Act 22 request “contain[] information pertaining to an investigation, potential evidence in a criminal matter, and other confidential information. Reasonable redaction will not safeguard the information.” *Id.*

14. Although an assistant district attorney signed the denial letter, the letter was issued on the official letterhead of the Respondents. *See id.* Upon information and belief, the Cumberland County District Attorney’s Office and Mr. McCormack, himself, endorsed and approved the records denial.

15. On or around March 1, 2022, Ann Doll (“Doll”), one of Ellis’s surviving siblings, filed her own Act 22 requests to obtain footage of his fatal shooting. She filed requests with the Camp Hill Borough Police Department and the North Middleton Township Police Department. *See Ex. C.*

16. On March 8, 2022, like Petitioner Thompson, Doll received a denial letter signed by one of Respondents’ assistant district attorneys. *See Ex. D.*

17. To date, Ellis’s sister has not obtained or viewed any footage depicting her older brother’s death; Thompson has not obtained or viewed any footage depicting Ellis’ death, despite his efforts to scrutinize the actions of law enforcement as Act 22 intended, *see infra* ¶ 19.

ARGUMENT

18. Petitioners incorporate by reference paragraphs 1–17 as if fully set forth herein.

19. 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.A. § 67A01 *et seq.*; *see also* 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. Leg. J., 201st Gen. Ass. 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 Costa).

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

- i. Respondents’ denial was arbitrary and capricious; and
- ii. The public interest in disclosure or the interest of Petitioners outweighs the interests of law enforcement or an individual’s interest in nondisclosure.

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

Respondents’ Denial of Access Was Arbitrary and Capricious

22. 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).

23. 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 v. State Farm Mut. Automobile Ins. Co., 463 U.S. 29, 43 (1983) (cleaned up).

24. Here, it is more likely than not that Respondents' denial of access was arbitrary and capricious.

25. 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.A. § 67A04(a).

26. Here, the requested footage cannot be considered exempt for investigative or evidentiary purposes because the Cumberland County District Attorney has already determined that there were “*no criminal violations* on behalf of the officers” involved in the February 16, 2022 incident. Charles Thompson, *Fatal police shooting in Cumberland County ruled justifiable use of force*, PennLive/The Patriot-News (Mar. 1, 2022), <https://perma.cc/LMS9-QDN3> (emphasis added). Thus, there is no pending or prospective investigation or law enforcement proceeding to serve as the basis for the exemption upon which Respondents have relied. Accordingly, Respondents' reliance on this exemption to withhold the requested body-worn camera and dashboard footage is arbitrary and capricious.

27. 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 Ellis because “a person's privacy right terminates at death,” *New Era Publications Int'l, ApS 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 Ellis—now deceased. *Cf. Frick v. Stevens*, 43 Pa. D. & C.2d 6, 42 (Pa. Com. Pl., Cumberland Cnty. 1967) (“How can one expose one who is dead to public hatred, contempt or ridicule?”).

28. 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, Respondents’ 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

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

30. 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.S.C.A. § 67A06(e).

31. Here, there is significant public interest in the circumstances surrounding the February 16, 2022 police shooting of Ellis. In addition to Petitioner The Patriot-News/PennLive’s coverage of this incident, *see supra* ¶¶ 6–8, numerous news outlets throughout Pennsylvania and beyond have analyzed and reported on the fatal shooting. *See, e.g.*, David Aaro, *Pennsylvania police fatally shoot man who fired at officer serving arrest warrant, authorities say*, Fox News (Feb. 17, 2022), <https://perma.cc/NVF6-X3TX>; *Man killed in Carlisle police involved shooting identified*, CBS 21 News (Feb. 17, 2022), <https://perma.cc/2RJV-GQ3C>; Maddie Seiler, *Update: Police ID man shot during North Middleton arrest warrant as Roger Wayne Ellis*, The Sentinel (Feb. 17, 2022), <https://perma.cc/P9MV-YJ8S>. In addition, the incident was carried on the AP wire, reaching news outlets throughout the United States. *See, e.g.*, Times Union (Albany, NY) (Mar. 1, 2022), <https://perma.cc/8NP3-XTUW>; U.S. News & World Report (Mar. 1, 2022), <https://bit.ly/3JSuPBr>.

32. 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.” *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 587 (1976) (Brennan, J., concurring). 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.* at 587.

33. 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 Senate Judiciary Comm. on Body Camera Footage Legislation 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”).

34. Granting Petitioners access to the requested footage will not only serve the public interest, but will have a profound impact on the decedent’s family. Indeed, for Ellis’s sister, Ann Doll, access to the instant footage will illuminate her brother’s final moments and may serve as a means for her to obtain closure with respect to her brother’s death. *See* Ex. E. Doll has made multiple Act 22 requests for the instant footage, *see supra* ¶¶ 15–16, yet has been unable to obtain the requested video. As such, Doll strongly supports Petitioners’ suit. *See* Ex. E.

35. The information released to date about the February 16, 2022 incident leaves many important questions unanswered. For instance, even following District Attorney Sean M. McCormack’s March 1, 2022 press conference related to the incident, it remains unclear whether officers ordered Ellis to drop his weapon before opening fire and/or whether the officers employed attempts to de-escalate the encounter. District Attorney Sean M. McCormack, Press Conference

(Mar. 1, 2022); *see also* Charles Thompson, *Fatal police shooting in Cumberland County ruled justifiable use of force*, Penn Live/The Patriot-News (Mar. 1, 2022), <https://perma.cc/LMS9-QDN3>. Access to the requested footage will give the public, the press, and, critically, Ellis’s family insight into these questions to better understand the circumstances surrounding Ellis’s death at the hands of law enforcement.

36. Finally, the Cumberland County District Attorney’s Office has “the resources available to review and disclose the audio recording or video recording.” 42 Pa.S.C.A. § 67A06(e).

37. District Attorneys 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://perma.cc/2ZVS-LBH2>. 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 matter was 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, *Hurubie Meko v. LNP Media Group & City of Lancaster*, No. CI-21-00277 (Lancaster Cnty. Ct. of Common Pleas Oct. 4, 2021).

38. Indeed, modern technology renders release of the audio and video footage Petitioners seek 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>.

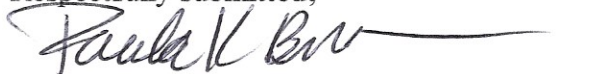
39. Here, Respondents have *already* reviewed the relevant footage during an investigation into whether the officers violated the law in using lethal force. See Charles Thompson, *Fatal police shooting in Cumberland County ruled justifiable use of force, supra* ("The investigation was aided, McCormack said Tuesday, by police body-worn camera footage . . ."). Their remaining task is to disclose said footage per the clear tenets of Act 22.

WHEREFORE, Petitioners ask 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.

Dated: April 6, 2022

Respectfully submitted,



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

VERIFICATION

I, Charles Thompson, 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).

Charles E. Thompson


(signature)

Date: April 05, 2022

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: 
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 Respondents within five days of the date of filing with this Court by hand-delivery. I further certify that pursuant to 42 Pa.C.S. § 67A06(b)(2), on this date I will serve a copy of this Petition and its attachments on the following property owner by certified mail:

Mitchell Schappell
1 Brittney Drive
Carlisle, PA 17013

Submitted by: Paula Knudsen Burke


Signature: 
Attorney No.: 87607

EXHIBIT A



pennsylvania
OFFICE OF OPEN RECORDS



NORTH MIDDLETON TOWNSHIP
STANDARD ACT 22 REQUEST FORM-POLICE AUDIO AND VIDEO

Date Requested: Feb. 25, 2022

*Written request must be made within sixty (60) days of the date of the recording

Request Submitted by: In Person Certified U.S. Mail

Request Submitted to:
North Middleton Township-2051 Spring Road, Carlisle, PA 17013
Attention: Mr. John M. Epley, Right to Know Officer

Name of Requester: Charles Thompson

Street Address: PII redacted per Public Access Policy of the Unified Judicial System of PA

City/State/County/Zip: Carlisle, PA 17013

Telephone (Optional): [REDACTED] Email (Optional): cthompson@pennlive.com

Records Requested: *Provide as much specific detail as possible so the agency can identify the information.

Date (Required) February 16, 2022

Time (Required): 3:10 p.m. to 3:50 p.m.

Location (Required): *If the requested incident took place inside a residence, every person present at the time of the recording must be identified. Unless unknown and not reasonably ascertainable. (Attach statement if more space is required)

1 Brittney Drive, Carlisle PA *persons present at that time were Mitchell Schepell and Roger Wayne Ellis, + officers on the scene
(A portion of the incident occurred inside)

Relationship to requested event/recording (Required):
(Attach statement if more space is required) I am a news reporter for PA Media Group -

publisher of The Patriot-News and PennLive.com, both of which provide news coverage to residents throughout Cumberland County and North Middleton Township.

****Please note: RETAIN A COPY of this request for your files****
****It is a required document if you would need to file an appeal****

For Agency Use Only

Open Records Officer: John M. Epley

Date Received by the Agency: 2/25/2022 by John M. Epley, RTK off. ✓

Agency thirty (30) business day response due: _____

*The agency and requestor can agree to an extension

EXHIBIT B



CUMBERLAND COUNTY
OFFICE OF THE DISTRICT ATTORNEY

SEÁN M. McCORMACK
DISTRICT ATTORNEY

Charles Thompson
PII redacted per Public Access Policy of the
Unified Judicial System of PA
Carlisle, PA 17013

March 8, 2022

Re: Act 22 Request re: North Middleton Township Police

Dear Mr. Thompson,

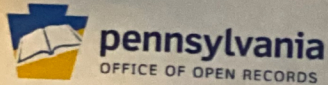
I have received your Act 22 Request forwarded from the North Middleton Township Police Department. After Review of your request under § 67A04 and review of the video/audio recording itself, I have concluded that the video and/or audio recording contains information pertaining to an investigation, potential evidence in a criminal matter, and other confidential information. Reasonable redaction will not safeguard the information.

You may file a petition for judicial review of this denial pursuant to § 67A06.

Sincerely, .

Courtney E. Hair LaRue
First Assistant District Attorney

EXHIBIT C



my copy



**NORTH MIDDLETON TOWNSHIP
STANDARD ACT 22 REQUEST FORM-POLICE AUDIO AND VIDEO**

Date Requested: March 25th 2022
*Written request must be made within sixty (60) days of the date of the recording

Request Submitted by: In Person Certified U.S. Mail

Request Submitted to:
North Middleton Township-2051 Spring Road, Carlisle, PA 17013
Attention: Mr. John M. Epley, Right to Know Officer

Name of Requester: Ann Marie Dell

Street Address: PII redacted per Public Access Policy of the Unified Judicial System of PA

City/State/County/Zip: Hersers Pa. 17304

Telephone (Optional): [redacted] Email (Optional): [redacted]@hotmail.com

Records Requested: *Provide as much specific detail as possible so the agency can identify the information.

Date (Required) February 16th 2022

Time (Required): 3:30 pm

Location (Required): *If the requested incident took place inside a residence, every person present at the time of the recording must be identified. Unless unknown and not reasonably ascertainable. (Attach statement if more space is required)

1 Brittney Drive, Carlisle Pa. residence of Mitch

Relationship to requested event/recording (Required): Schappell
(Attach statement if more space is required)

I am sister to Roger Wayne Ellis

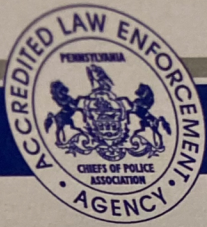
****Please note: RETAIN A COPY of this request for your files**
It is a required document if you would need to file an appeal**

For Agency Use Only

Open Records Officer: John M. Epley

Date Received by the Agency: _____

Agency thirty (30) business day response due: _____
*The agency and requestor can agree to an extension



CAMP HILL

Stephen L. Margeson
CHIEF OF POLICE

POLICE

March 01, 2022

Ann Marie Doll

[REDACTED]
Aspers, Pennsylvania 17304

Dear Mrs. Doll,

I am in receipt of your March 01, 2022 right to know request for audio and video recordings of an event that took place on February 16, 2022 involving Roger Wayne Ellis. The Camp Hill Police Department will require a 30 day extension in responding to your right to know request so that we may confer with the investigating agency, the Cumberland County District Attorney's Office.

You shall receive a response from our Agency by no later than April 08, 2022. Please feel free to contact me with any questions about your right to know request or the required 30 day extension.

Sincerely,

A handwritten signature in black ink that reads "Stephen L. Margeson".

Stephen Margeson
Chief of Police

EXHIBIT D



CUMBERLAND COUNTY
OFFICE OF THE DISTRICT ATTORNEY

SEÁN M. McCORMACK
DISTRICT ATTORNEY

Ann Marie Doll

[REDACTED]
Aspers, PA 17304

March 8, 2022

Re: Act 22 Request re: North Middleton Township Police

Dear Ms. Doll,

I have received your Act 22 Request forwarded from the North Middleton Township Police Department. After Review of your request under § 67A04 and review of the video/audio recording itself, I have concluded that the video and/or audio recording contains information pertaining to an investigation, potential evidence in a criminal matter, and other confidential information. Reasonable redaction will not safeguard the information.

You may file a petition for judicial review of this denial pursuant to § 67A06.

Sincerely,

Courtney E. Hair LaRue
First Assistant District Attorney

EXHIBIT E

IN THE COURT OF COMMON PLEAS OF CUMBERLAND COUNTY

CIVIL ACTION – LAW

CHARLES THOMPSON and

The Patriot-News/PennLive,

Petitioners,

Docket Number: _____

v.

CUMBERLAND COUNTY, OFFICE OF
THE DISTRICT ATTORNEY

and SEAN M. McCORMACK,

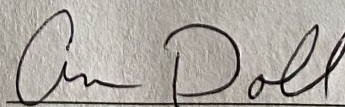
in his official capacity as Cumberland

County District Attorney,

Respondent,

AFFIDAVIT OF ANN DOLL

1. My name is Ann Doll and I am a surviving sibling of Roger Wayne Ellis.
2. I have filed multiple requests under Act 22 for footage of my brother's fatal shooting.
3. To date, I have not obtained or viewed any footage depicting my brother's death.
4. I wish to view the footage I've requested so I can see for myself my brother's last moments.
5. I sincerely hope this suit results in release of the requested footage so I can get the closure that I need.



Ann Doll