

**IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT, AT NASHVILLE**

MICHAEL PATRICK LEAHY, and)
STAR NEWS DIGITAL MEDIA,)
INC.,)
)
Petitioners)
)
v.)
)
METROPOLITAN GOVERNMENT)
OF NASHVILLE AND DAVIDSON)
COUNTY)
)
Respondent.)

Case No. _____

PETITION FOR ACCESS TO PUBLIC RECORDS

Petitioners are entitled to obtain the records requested as described below. Pursuant to the Public Records Act, Tenn. Code Ann. § 10-7-505(b), Petitioners request the court issue an order requiring the Respondent “to immediately appear and show cause” why this Petition should not be granted.

PARTIES

1. Petitioner Star News Digital Media, Inc. is a Delaware corporation headquartered in Nashville, Tennessee.
2. Petitioner, Michael Patrick Leahy is a citizen of the State of Tennessee and is the Chief Executive Officer of Star News Digital Media, Inc.
3. Respondent Metropolitan Government of Nashville and Davidson County (“Metro”) is a municipality in Tennessee existing in Davidson County, Tennessee. It is organized under the laws of the State of Tennessee and is required to comply with the Public Records Act.

JURISDICTION AND VENUE

4. This Court has jurisdiction and venue is proper in this Court pursuant to Tenn. Code Ann. § 10-7-505(b).

FACTS

5. On April 24, 2023, Petitioners requested what the Metro Nashville Police Department (“MNPd”) has called the “manifesto” of Audrey Hale.

6. Petitioners’ First Request asked to both inspect and copy: “all written records and documents, including written manifestos, journals, written notes, memoirs, and school yearbooks obtained by the Metro Nashville Police Department from search warrants executed on Monday March 27, 2023 and throughout the week of March 27, 2023 at the residence of Audrey Hale in Nashville and the car driven by Audrey Hale and left at the Covenant Presbyterian School parking lot on March 27, 2023 related to the investigation of the murder of six people at Covenant Presbyterian School by Audrey Hale on Monday March 27, 2023.”

7. On April 27, 2023, Petitioners requested the autopsy and toxicology reports for Audrey Hale that were created by Metro or MNPd.

8. Petitioners’ Second Request asked to both inspect and copy: “the autopsy report of Audrey Elizabeth Hale and the toxicology report from that autopsy.”

9. On April 25, 2023, Respondent denied Petitioners’ First Request, exclusively citing Rule 16 and *Tennessean v. Metro. Gov't of Nashville*, 485 S.W.3d 857 (Tenn. 2016) as support for the denial. Attached as Exhibit 1 is Respondent’s Denial of Petitioners’ First Request.

10. On April 28, 2023, Respondent denied Petitioners' Second Request, exclusively citing Rule 16 and *Tennessean v. Metro. Gov't of Nashville*, 485 S.W.3d 857 (Tenn. 2016) as support for the denial. Attached as Exhibit 2 is Respondent's Denial of Petitioners' Second Request.

11. On April 3, 2023, MNPDP notified the public that there is no indication that Audrey Hale had any accomplices or that MNPDP was investigating any accomplices.¹

12. On April 27, 2023, the MNPDP, through its Public Information Office, announced that it would be releasing records relevant to Petitioners' request and what has come to be known as the manifesto of Audrey Hale, a collection of notebooks, journals, and writings, indicating her mental state, plans, and the reason for her senseless violence.²

13. On May 3, 2023, only 6 days after MNPDP announced it would be releasing records relevant to Petitioners' Requests, it changed course and announced

¹ *Covenant Investigation Update*, MNPDP, <https://tinyurl.com/AccMNPDP>

² Adrian Mojica, *Nashville mass shooter's manifesto being reviewed for public release*, KHQA, <https://tinyurl.com/KHQARel>

via Twitter that MNPД would not be releasing records because of lawsuits requesting the release of the records at issue. Below is the tweet:



14. The Tennessee Public Records Act (“TPRA”) provides that the records requested by Petitioners are “municipal records” which “shall . . . be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law.” Tenn. Code Ann. § 10-7-503(a)(2)(A).

15. Tennessee Rule of Criminal Procedure 16(a)(2) is not applicable if there is no “case.”

16. Audrey Hale is deceased. There is no ongoing investigation of Audrey Hale. MNPД was planning to begin releasing documents and appears to have decided to stop because of litigation asking MNPД to release documents.

17. There is no “case” pursuant to Rule 16 of the Tennessee Rules of Criminal Procedure.

18. The Tennessee Public Records Act does not grant an exception if litigation is filed to obtain documents improperly withheld.

19. Respondent cannot shift its obligation to provide public records to the Court simply because litigation was filed seeking to enforce the Public Records Act.

20. There are no other reasons stated for the denial of Petitioners' Request.

21. Respondent has willfully violated the TPRA in an effort to prevent and delay the release of the manifesto of Audrey Hale.

Count 1: Violation of the Tennessee Public Records Act

22. Metro, through MNPD, has violated the Tennessee Public Records Act by failing to provide the records Petitioners requested.

23. Petitioners made a valid request for public records pursuant to the Tennessee Public Records Act. No exceptions are applicable.

24. Respondent denied access for an invalid reason; Tennessee Rule of Criminal Procedure 16 is not applicable.

25. To the extent the records must be redacted before being produced, Respondent failed to redact and produce such records.

26. Respondent's failure to produce the records is a willful violation of the Tennessee Public Records Act which "shall be broadly construed so as to give the fullest possible public access to public records." Tenn. Code Ann. § 10-7-505(d).

27. Petitioners are entitled to an injunction requiring Respondent to produce the Requested Records identified in Paragraphs 6 and 8. Tenn. Code Ann. § 10-7-505(d).

WHEREFORE, Petitioners pray for the following relief:

1. That the Court set a show cause hearing requiring Respondent to “immediately appear and show cause” pursuant to Tenn. Code Ann. § 10-7-505(b).
2. That the Court issue written findings of facts and conclusions of law pursuant to Tenn. Code Ann. § 10-7-505(d) finding that Respondent’s denial to promptly make available the relevant records violated the Tennessee Public Records Act;
3. That the Court grant this Petition and issue an injunction requiring Respondent to provide inspection and copying of the Requested Records identified in Paragraphs 6 and 8 to Petitioners, their attorneys, or designees;
4. That the Court grant Petitioners all costs incurred in obtaining the requested records, including reasonable attorneys’ fees and litigation expenses; and
5. That the Court grant Petitioners any and all other relief to which Petitioners may be entitled.

Respectfully Submitted,

/s/ Nicholas R. Barry

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