



J. Blake Johnson
[REDACTED]
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December 16, 2016

Re: OAB Lawsuit Concerning Surveillance Video Footage from Pickleman's Cafe

Dear Sir or Madam:

Our client, Joe Mixon, has asked us to provide your organization with copies of surveillance video, which we recently obtained from Amelia Molitor's attorneys, recorded at Pickleman's Gourmet Café on July 25, 2014. I have enclosed a DVD containing these videos.

One of these recordings is the subject of the lawsuit filed by the Oklahoma Association of Broadcasters (OAB) against the City of Norman, the Norman Police Department, and the Cleveland County District Attorney's office. This recording shows an altercation between Ms. Molitor and Mr. Mixon inside Pickleman's Café. Ms. Molitor's attorneys also provided us with a second surveillance video showing the entrance to the restaurant during the same time period. In its recent decision in the OAB lawsuit, the Oklahoma Supreme Court directed the Cleveland County District Court to order that the City of Norman provide OAB with a copy of the recording in which the altercation can be seen.

Ms. Molitor's attorneys apparently obtained both recordings from the Cleveland County District Attorney's Office two years ago. Mr. Mixon has not previously been in possession of the videos, and has never been involved in any of the legal efforts to prevent access to them. While Mr. Mixon is not a party to the OAB lawsuit and has not been directed by the Court to make any disclosure, he does not see any reason for the release of the recording at issue in that lawsuit to be delayed any longer. Further delay appears only to be generating unfounded speculation about what is shown in that video. We also see no reason to withhold the second recording we received from Ms. Molitor's attorneys and so have included it as well.

We have consulted with the attorneys for both the City of Norman and the Cleveland County District Attorney's Office. They do not object to us providing copies of these recordings to OAB and local news outlets now, rather than waiting for the case to be returned to the Cleveland County District Court for a final order.

News organizations receiving these videos must resolve for themselves whether they should be broadcast or made publicly available, and if so, how they might be shown. The video of the altercation was shown to the media two years ago and has been described in detail in previously published accounts. Those written accounts focused on the altercation between Ms. Molitor and Mr. Mixon, but a number of other students and Pickleman's employees are also shown in both videos. Those other individuals might have objections to the recordings being made publicly available or shown in a news broadcast.

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Additionally, after the Oklahoma Supreme Court's decision was issued last week, Ms. Molitor's attorneys filed a motion to intervene at the Cleveland County District Court. In that motion, her attorneys argue that video of the altercation involving Ms. Molitor should not be released and broadcast. We considered whether release of the video should be further delayed until this motion is resolved. Ms. Molitor's attorneys, however, had withdrawn their original request to intervene in the case two months ago, and when they recently provided the recordings to us, they insisted that they need not be maintained as confidential. Considering those facts, together with the Oklahoma Supreme Court's strongly-worded opinion, we concluded that OAB still would ultimately obtain the video it has been requesting. News organizations receiving these videos, nevertheless, may want to evaluate this renewed motion to intervene for themselves.

The media organizations receiving these recordings may decide, after their own evaluation of the circumstances, not to broadcast or post the recordings for viewing, and may once again publish only written accounts of what is shown. Alternatively, they may choose to obscure the faces of other individuals seen in the recordings, out of concern for their privacy interests, before showing any of the video. If the recordings are broadcast or posted for viewing, we ask that viewers be reminded there is no audio recording of what was being said leading up to, during, or after the altercation between Ms. Molitor and Mr. Mixon. Because no audio is available, we do not believe the video alone provides a complete account of what occurred.

Mr. Mixon asked us to once again say he is sorry for the way he reacted that night. He has apologized publicly to Ms. Molitor, her friends, his family, teammates, and the University. He hopes that his voluntary release of these recordings will help put this matter to rest.

Mr. Mixon is focused on completing his semester and his team's preparations for the upcoming bowl game in New Orleans. If you have any further inquiries about this matter, please direct those to me, or to Mark Grossman at our office.

Sincerely,



J. Blake Johnson
Crowe & Dunlevy, P.C.

