

May 24, 2007

Orza Salone
#944875
Indiana State Prison
P.O. Box 41
Michigan City, IN 46361

Re: Formal Complaint 07-FC-108; Alleged Violation of the Access to Public Records Act by the Clerk of the Howard County Circuit and Superior Courts

Dear Mr. Salone:

This is in response to your formal complaint alleging that the Clerk of the Howard County Circuit and Superior Courts ("Clerk") violated the Access to Public Records Act by failing to respond to your request for records and by failing to provide the transcript of the hearing on bond reduction. I find that the Court has provided all records in the two causes and therefore has not violated the Access to Public Records Act.

BACKGROUND

You allege that the Clerk violated the Access to Public Records Act because she failed to provide the actual transcripts in cause numbers 34C01-9310-CF-00059 and 34C01-9310-CF-00060. I sent a copy of your complaint to the Clerk. The Clerk sent the Chronological Case Summary showing that the Court had received your request for records and responded four days later by sending updated copies of the Chronological Case Summaries, noting that "all orders, pleadings, transcripts in these causes have previously been sent to the Defendant at public expense."

I have provided you with these entries.

ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act (“APRA”). Ind. Code 5-14-3-3(a). A public agency is required to provide one (1) copy of a public record. IC 5-14-3-8(e).

The Court has reviewed its files and has determined that every document in its possession regarding the two cause numbers has been sent to you previously. You are not entitled to additional copies of documents under the Access to Public Records Act. If you believe that a record has been denied to you, you may file a lawsuit to compel the Clerk to disclose the omitted record. *See* IC 5-14-3-9(e).

CONCLUSION

For the foregoing reasons, I find that the Clerk of the Howard County Circuit and Superior Courts has not violated the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: Mona Myers