

May 9, 2007

Tyrone Frazier
#910476 LOC CE522
Indiana State Prison
P.O. Box 41
Michigan City, IN 46361-0041

Re: Formal Complaint 07-FC-89; Alleged Violation of the Access to Public Records Act by the Marion County Prosecutor's Office

Dear Mr. Frazier:

This is in response to your formal complaint alleging that the Marion County Prosecutor's Office ("Office") violated the Access to Public Records Act by failing to respond to your request for records. I find that the request for records was not received by the Prosecutor's Office, but the Office will review its files to determine if a record exists.

BACKGROUND

You complain that your request for records that was submitted to the Office on March 19, 2007 was ignored. Ms. Helen Marchal, Chief of Staff for the Office indicated to me that she had never received this records request. She will retrieve the file that she returned to storage after fulfilling your last request for records and will respond after determining whether the deposition of Ja'neen Redmon exists.

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. Ind. Code 5-14-3-3(a). A public agency that receives a request for a record via U.S. Mail or facsimile must respond within seven days or the request is deemed denied. IC 5-14-3-9(b). A public agency cannot respond to a request it has not received.

It appears that your request was not received by the Office. Now that the Office is aware of your request, the Office is processing it. Please see the attached response to your complaint, submitted by Helen Marchal.

CONCLUSION

For the foregoing reasons, I find that the Marion County Prosecutor's Office did not receive your request for a record, but will ascertain whether it has any responsive records.

Sincerely,

Karen Davis
Public Access Counselor

cc: Helen Marchal