



STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

PUBLIC ACCESS COUNSELOR

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November 15, 2011

Mr. John Christopher Oosta
26861 CR 26
Elkhart, Indiana 46517

Re: Formal Complaint 11-FC-266; Alleged Violation of the Access to Public Records Act by the Elkhart County Public Defender's Office (Goshen Division).

Dear Mr. Oosta:

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See I.C. § 5-14-3-1. The Public Defender is a public agency for the purposes of the APRA. See I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the Public Defender's public records during regular business hours unless the records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. See I.C. § 5-14-3-3(a).

Here, it is my understanding your complaint relates to issues involving records that have been produced during discovery and the performance of your attorney. You have indicated that your criminal case has yet to go to trial and you are currently represented by an attorney retained by the Public Defender's Office. Discovery matters are not in the purview of the Public Access Counselor's Office. See *Opinion of the Public Access Counselor 09-FC-162*. You should direct your concerns regarding records that have already been produced to your attorney or the trial court. I have enclosed a copy of the "Defendant's Acknowledgment of State's Discovery Compliance" entered into on your behalf by your attorney. As to issues involving the performance of your attorney, I would direct you to contact the Indiana Supreme Court Disciplinary Commission.

Best regards,

A handwritten signature in black ink, appearing to read "J. Hoage". The signature is fluid and cursive, with a large initial "J" and a distinct "Hoage" following.

Joseph B. Hoage
Public Access Counselor

cc: Sarah E. Creagan