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DEPARTMENT OF JUSTICE

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June 25, 2003

Melvin L. Laird
SID # 11529318
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914-8335

RE: *Petition for Public Records Disclosure Order:*
Josephine County Trial Court Records

Dear Mr. Laird:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on June 19, 2003, asks the Attorney General to direct the Josephine County Trial Court Administrator to make available grand jury and petit juror names in Case No. 95CRO857. For the reasons that follow, we respectfully deny your petition.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. *See* ORS 192.420. Under ORS 192.450, the Attorney General may order a state agency to disclose public records when that agency has denied any person the right to inspect or receive a copy of the records. The Attorney General does not have authority to order disclosure of public records unless the agency has denied a request for those records.

We have discussed your records request with Bradd Swank of the State Court Administrator's office. Mr. Swank provided us with a copy of a letter he sent to you on June 24, 2003 in which he informed you that you will be provided with a copy of a document that contains the names of the petit jurors in your case. He also informed you that the Josephine County Circuit Court does not have a record that contains the names of the grand jurors who returned your indictment.

Mr. Swank of the State Court Administrator's office has responded to your request by informing you about the record that does not exist and agreeing to provide the other record to you at no cost. Because the agency has not denied your request, the Attorney General does not have jurisdiction to order the agency to disclose the records. ORS 192.450. Therefore, we deny your petition as moot.

Sincerely,

Peter D. Shepherd

PETER D. SHEPHERD
Deputy Attorney General

AGS12620
c: Bradd Swank, Office of the State Court Administrator
Gary Brandt, Trial Court Administrator, Josephine County Circuit Court