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April 20, 2007

Casey Lee Johnson, SID #12151379
Oregon State Penitentiary
2605 State Street NE
Salem, OR 97310

Re: Your Petition for Public Records Disclosure Order Dated April 4, 2007
Oregon Department of Corrections Records

Dear Mr. Johnson:

This letter responds to your April 4, 2007 letter and petition to the Attorney General, which were received in this office on April 13, 2007. Your current petition is the third in a series that you have submitted to the Attorney General in recent weeks seeking an order directing the Oregon Department of Corrections (ODOC) to make available to you for inspection or to furnish you with copies of ODOC records.

On April 5, 2007, we sent you the Attorney General's order denying your second petition as premature, because ODOC had not denied your request for copies of its records within the meaning of the Public Records Law, and, because under the circumstances, the Attorney General had no legal authority to order ODOC to provide you with copies of its records. As we explained in that order the Public Records Law permits ODOC to charge you and other requestors a fee for furnishing you with copies of its records. Like many public bodies, ODOC has established its fees by rule. Consequently, ODOC acted within its authority under the law to require that you first have sufficient funds available in your inmate trust account to pay its fees before acting on your request and furnishing you with copies of its records. In checking with ODOC officials, they told us that as of the date of your current petition you continued to have a zero balance in your inmate trust account.

Because the Attorney General has already issued his orders denying your prior petitions with respect to the ODOC's records you seek, and because your current petition does not raise any new or additional issues that are relevant under the applicable law that were not raised in

your previous petitions, we decline to issue another order with respect to your current petition for these records.

In your letter of April 4, 2007, which you submitted with your current petition, you suggest that you want copies of the ODOC records in connection with two cases that are currently pending in the Marion County Circuit Court – Case Nos. 07C12531 (habeas corpus) and 07C1253 (post-conviction). We understand that you are represented by an attorney in each of these cases – Ms. Ginger Mooney in the habeas case and Mr. Noel Grefenson in the post-conviction case. We encourage you to consult with your attorneys regarding any concerns you may have regarding the production of ODOC records in connection with these two cases.

Sincerely,

PETER D. SHEPHERD
Deputy Attorney General

AGS19591
Enclosures
cc: Brian Belleque, Superintendent, Oregon State Penitentiary
Mary Jenkins, Records Specialist, Offender Information and Sentence Computation Unit (OISC), ODOC

cc w/enclosures:
Ms. Ginger Mooney, Esq.
Mr. Noel Grefenson, Esq.