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October 9, 2017

Henry Childress
SID 10977752
Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801

Re: Petition for Public Records Disclosure Order
Oregon Office of Public Defense Services
DOJ File No. 404001-GA0128-17

Dear Mr. Childress:

This letter is the Attorney General's order responding to your petition for disclosure under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on September 5, asks the Attorney General to order your public defender Jerry Seeberger and investigator Daron Coates to produce their files related to your case. You later submitted supporting materials, which we received on October 2, extending your petition for these records to the Office of Public Defense Services (OPDS).

Your petition raises a number of questions, such as whether your public defender's files are public records, whether OPDS is the custodian of those records, and whether Mr. Seeberger and Mr. Coates are subject to the Oregon Public Records Law. We do not need to resolve these issues, however, because Mr. Seeberger informs us that he and Mr. Coates have already turned over their complete files to you. And, as we explained in a prior order, dated September 12, OPDS has already disclosed any responsive records it possesses to you.

Because OPDS, Mr. Seeberger, and Mr. Coates have not denied your records requests, we respectfully deny your petition. *See* ORS 192.450(1) (Attorney General may order a state agency to disclose records only when the agency has denied the records request).

Sincerely,

Frederick M. Boss
Deputy Attorney General

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