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July 1, 2025

VIA E-MAIL ONLY: davisc0626@gmail.com

Celeste Davis
21180 Hwy 62
Shady Cove, OR 97359

Re: Petition for Public Records Disclosure Order
Oregon State Medical Examiner Office
DOJ File No.: 257001-GA0089-25

Dear Ms. Davis :

This letter is the Attorney General's response to your petition under the Oregon Public Records Law, ORS 192.311 to 192.431. Your petition asks the Attorney General to order the Oregon State Medical Examiner's (ME) Office to disclose records associated with the ME's death investigation of your son Jhonathan Ryan Davis Jr.

Your petition explains that the ME denied your request for these records at the request of the Josephine County District Attorney who has asserted that the ME's records are currently exempt from disclosure under ORS 192.345(3) (information compiled for criminal investigatory purposes). Your petition asserts that you have a statutory right to these records under ORS 146.035(5)(a).[1]

On June 25, 2025, we received a letter from Joshua Eastman, the elected District Attorney for Josephine County. Mr. Eastman indicated that he "as the elected District Attorney for Josephine County" was "claiming the right to have the Medical Examiner's Office withhold disclosure of [all medical examination records involving Jhonathan Ryan Davis, Jr.] until they are no longer conditionally exempt from disclosure under ORS 192.345(3)." Mr. Eastman's letter attached a protective order signed on June 20, 2025, by Circuit Court Judge Brandon S. Thueson prohibiting disclosure of "all medical examination records involving Jhonathan Ryan Davis, Jr. DOD: 2/6/24, MDI Log 240206-896, Autopsy 2/6/24."

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[1] ORS 146.035(5)(a) states, in relevant part, "[n]otwithstanding ORS 192.345(36) * * * [a]ny parent, spouse, sibling, child or personal representative of the deceased * * * may examine and obtain copies of any medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117."

Ordinarily, any person denied the right to inspect a copy of a public record of a state agency may petition the Attorney General to review the record and determine if it may be withheld. ORS 192.411(1). However, if an elected official asserts the right to withhold a record, the Attorney General does not have that authority, and the requester must instead bring suit against the elected official. ORS 192.427; *see also* Public Records Order, Feb 9, 2022, Olson (no Attorney General jurisdiction where Deschutes County District Attorney claimed right to withhold medical examiner investigation).

Under the circumstances, we are prohibited from considering your appeal. Any remedy must be pursued against the Josephine County District Attorney. We therefore respectfully dismiss your petition due to a lack of jurisdiction.

Sincerely,

Lisa M. Udland

LISA M. UDLAND
Deputy Attorney General

DEP:pjn
c via e-mail only: Kelsey Evans, Forensic Director, Oregon State Police, Medical Examiner Division