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February 13, 1997

Leonard David Payton
SID 3487220
2605 State Street
Salem, OR 97310

Re: ***Petition for Public Records Disclosure Order: Coos County Trial Court Records***

Dear Mr. Payton:

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 February 7, 1997, asks the Attorney General to direct the Coos County Trial Court Administrator, Ed Jones, to produce copies of materials related to case No. 95CR1901.

For the reasons that follow, we respectfully deny your petition. Your petition states that your request for the records has not been fulfilled. We have discussed your petition with Bradd Swank in the State Court Administrator's office. Mr. Swank informs us that Mr. Jones' staff sent you copies of your entire case file on February 3, 1997, after receiving payment from you for the copies. However, the staff did not send you a copy of the "actual trial tape recordings" because the staff assumed that you had access to the transcript through your attorney. Mr. Swank informs us that if you would like to have a copy of the trial tape recordings, your should so inform the court staff and they will provide you with a copy upon payment of the appropriate fee.

Any exhibits that were not provided to you are now located at the appellate courts during your appeal (with the exception of a rifle, which is not a public record and will not be provided to you). These documents are not in the custody of the trial court administrator.

Because the agency has filled your request, and is prepared to provide the other records in the custody of the agency if you wish to receive them, we deny your petition as moot.

Sincerely,

Elizabeth S. Harchenko

ELIZABETH S. HARCHENKO
Special Counsel to the
Attorney General

ESH:LRR:AV:lrr/JAA0225F
c: Bradd Swank
Management/Legal Analyst
State Court Administrator's office
Supreme Court Building
Salem, OR 97310

Ed Jones
Coos County Trial Court Administrator
Coos County Courthouse
2nd and Baxter Streets
Coquille, OR 97423