HARDY MYERS
ATTORNEY GENERAL

DAVID SCHUMAN
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
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Telephone: (503) 378-4400
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July 28, 1997

Robert Earl Fort
#8370721
2605 State Street
Salem, OR 97310

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

Dear Mr. Fort:

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, for records of the Deschutes County Trial Court related to Criminal Case No. 90-CR-0393-ST. For the reasons which follow, we respectfully deny your petition.

Your petition, which we received on July 21, 1997, requests the Attorney General to order the Trial Court Administrator to provide copies of certain listed records related to Criminal Case No. 90-CR-0393-ST. You state that the Trial Court Administrator has denied the request and has misled you by providing records not related to that case. You also asked that the Attorney General direct the Trial Court Administrator to communicate with you in writing confirming whether or not the requested records exist.

Under the Oregon Public Records Law, the Attorney General has authority to issue a public records order only to "any person ***denied*** the right to inspect or to receive a copy of any public records of a state agency." ORS 192.450(1) (emphasis added).

Bradd Swank of the State Court Administrator's office has sent us copies of two letters addressed to you from R. M. Gall, Court Operations Supervisor in the Deschutes County Trial Court Administrator's office, responding to your records request. The letter to you dated April 24, 1997, states that copies of the indictment, warrant and affidavit which

you had requested were enclosed. The letter further states that there was no transcript of a probable cause hearing because no hearing was held. The letter to you dated May 27, 1997, states that the information that was already provided to you is all the court records contain related to your records request. Copies of these two letters are enclosed.

Mr. Bradd Swank also informs us that there is no written record of the assignment of a judge to this case. Accordingly, we find that the Trial Court Administrator's office has provided you with all of the records related to your case that you have requested and that exist in the court files. Because the Trial Court Administrator has not denied your request to receive copies of public records, we respectfully deny your petition.

Sincerely,

STEPHANIE L. STRIFFLER
Special Counsel to the
Attorney General

JAA0255D/SLS/jh
Enclosure

c: Ernest J. Mazorol, III
Deschutes County Trial Court Administrator
Deschutes County Courthouse
1164 N.W. Bond Street
Bend, OR 97701

Bradd Swank
Oregon Judicial Department
Office of the State Court Administrator
1163 State Street
Salem, OR 97310