

July 21, 2006

Ronrico Hatch  
#138169  
Indiana State Prison  
P.O. Box 41  
Michigan City, IN 46361

*Re: Formal Complaint 06-FC-103; Alleged Violation of the Access to Public Records Act by the Allen County Circuit Court*

Dear Mr. Hatch:

This is in response to your formal complaint alleging that the Allen County Circuit Court (“Court”) violated the Access to Public Records Act by failing to respond to your request for records. I find that the Court is required to timely respond only if it received your request.

#### BACKGROUND

You complain in your formal complaint that you have asked the Court for a copy of your chronological case summary in cause number 02-C01-0402-JP-7. You state that you have sent three different requests for the same information, without receiving a reply.

I sent the Court a copy of your complaint. Allen County Clerk of Courts Therese Brown sent a letter stating that a review of all correspondence indicates that the Court has no record of receiving any correspondence from you regarding that case number. Normally, the Court would have forwarded your request to the Records and Judgments Division or to the Family Relations Division. Had you enclosed sufficient funds, the record would have been forwarded to you. In the absence of advance payment, the Court would have sent you a letter stating the cost of copies and asking for payment. Ms. Brown does not know where you sent your request, but believes that because the office is diligent about processing requests for court records, the Court would have complied had it received a request.

## ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act (“APRA”). Ind. Code 5-14-3-3(a). If a public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-14-3-9(b). A public agency is not required to respond if it has not received a request.

I do not know where you mailed your request. Ms. Brown indicated that after searching for the records request relating to the cause number, she was unable to find any evidence showing that the Court received a request from you.

I cannot determine conclusively whether the Court received your request and failed to respond to it, or did not receive your request. Therefore, I cannot determine if the Court violated the Access to Public Records Act. I recommend that you send your request, with sufficient postage, to the address on the letterhead of the enclosed letter. The Court would be required to respond to your request within seven days of receiving it.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Therese M. Brown