



# STATE OF INDIANA

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January 12, 2016

Mr. Sam Spicer  
Wabash Valley Correctional Facility  
P.O. Box 1111  
Carlisle, Indiana 47838

*Re: Formal Complaint 15-FC-328; Alleged Violation of the Access to Public Records Act by the Dearborn County Circuit Court*

Dear Mr. Spicer:

This advisory opinion is in response to your formal complaint alleging Dearborn County Circuit Court ("Court") and the Honorable Judge James Humphrey violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 et. seq. Judge Humphrey responded on behalf of the Court. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on December 17, 2015.

## BACKGROUND

Your complaint dated December 14, 2015 alleges Dearborn County Circuit Court violated the Access to Public Records Act by improperly denying your records request.

You requested a copy of an audio recording of certain proceedings in your criminal case. Your request was denied by the Court as a request for transcription which is a different procedure, mutually exclusive from APRA requests.

The Judge responded and clarified that the Court misinterpreted your request for a recording and concedes the Court is producing the audio recording to you pursuant to the remittance of payment.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Dearborn County Circuit Court is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Court's disclosable public records during

regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

The Court graciously concedes its error and has included instructions on how to remit payment. It will provide the audio recordings to you contingent upon your payment. Please note the APRA does not provide for indigent status and you would be required to pay the requisite amount before the Court releases the material to you.

Please do not hesitate to contact me with any further questions.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt  
Public Access Counselor