



STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)233-9435
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

April 23, 2015

Mr. Fabian S. White #109152
Indiana State Prison
One Park Row
Michigan City, IN 46360

Re: Formal Complaint 15-FC-98; Alleged Violation of the Access to Public Records Act by the St. Joseph County Superior Court

Dear Mr. White,

This advisory opinion is in response to your formal complaint alleging the St. Joseph County Superior Court ("Court") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Honorable Judge Jerome Frese responded on behalf of the Court. His response is enclosed for your review¹. 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 March 18, 2015.

BACKGROUND

Your complaint dated March 2, 2015 alleges the St. Joseph County Superior Court violated the Access to Public Records Act.

You indicate in your complaint you have been requesting a search warrant affidavit from the Court for three (3) years running. You do not, however, supplement your complaint with a recent request to the Court.

The Court responded to your formal complaint lamenting the fact this issue has been opined upon by a previous Public Access Counselor in *Advisory Opinion 12-FC-125*.

¹ By way of clarification, it should be noted pursuant to Judge Frese's response, the dates referenced in his complaint were generated from an internal office schedule. The dates are clearly marked on the formal complaint form: "For Office Use Only." This information is not germane to your substantive complaint.



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
LUKE H. BRITT**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)233-9435
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

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 Judge is correct this matter has previously been addressed by this Office albeit by a former Public Access Counselor from a different administration. Pursuant to Ind. Code § 5-14-5-8, when the counselor receives a complaint, he shall immediately forward a copy of the complaint to the public agency which is the subject of the complaint. Such is our regular practice. This Office does not have the capability of cross-referencing current complaints to prior complaints from other administrations; therefore the Judge's citation to the prior Opinion is much appreciated. Because there are no unique issues contained in your complaint, it is hereby moot.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the St. Joseph County Superior Court has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Hon. Judge Jerome Frese