

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 03-001

RESPONDENTS: James W. Westley, Anderson County Justice of the Peace

DATE: April 24, 2003

SPECIAL COMMITTEE: Judge John Ovard, Judge B. B. Schraub, Judge Darrell Hester, Judge Kelly Moore, Judge David Peeples

The applicant requested from the Anderson County Justice of the Peace all information in his inquest file regarding the death of an individual whose body was found more than two years earlier. The judge responded that “only the autopsy report is considered public information, and not the entire (inquest) records.” He gave the requester the name and address of the custodian of the autopsy report, but did not provide the information for an appeal required by Rule 12.8(c). The requester filed a complaint with the Office of the Attorney General, which provided information about Rule 12, and she then filed this Rule 12 appeal.

The Public Information Act does not apply to records maintained by the judiciary. Texas Government Code Section 552.003(1)(B). Rule 12, which governs public access to judicial records, does not apply to records or information to which access is controlled by the Public Information Act or by another statute or provision of law. Rule 12.3(a)(4).

Public access to records of a justice of the peace are governed by Texas Government Code Section 27.004, which makes those records subject to the inspection of any interested party at reasonable times. Tex. Att’y Gen. Op. No. JC-0422 (2001). Inquest records maintained by a justice of the peace are governed by Article 49.15 of the Code of Criminal Procedure, and are open to public inspection pursuant to Section 27.004 of the Government Code. Tex. Att’y Gen. Op. No. JC-0542 (2002); Tex. Att’y Gen. Op. OR2001-0845 (2001).

It is clear under the statutes and the cited attorney general opinions that the requester is entitled to view all of the requested records. Because access to the records is governed by statutory law, however, Rule 12 is not applicable. As such, this body does not have the authority to order the disclosure of the records.