



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

24-ORD-051

March 5, 2024

In re: Ernest Merriweather/Christian County Commonwealth's Attorney

Summary: The Christian County Commonwealth's Attorney (the "Commonwealth's Attorney") violated the Open Records Act ("the Act") when she did not respond to a request under the Act.

Open Records Decision

On January 13, 2024, inmate Ernest Merriweather ("Appellant") submitted a request to the Commonwealth's Attorney for a copy the grand jury audio recordings or transcripts related to his criminal case. On February 6, 2024, having received no response from the Commonwealth's Attorney, the Appellant initiated this appeal.

When a public agency receives a request to inspect records it must decide within five business days "whether to comply with the request" and notify the requester "of its decision." KRS 61.880(1). Here, the Appellant submitted a request for public records to the Commonwealth's Attorney but she did not respond to that request. As a result, the Commonwealth's Attorney violated the Act.¹

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

¹ On appeal, the Commonwealth's Attorney states her office received the request and determined no responsive records existed. However, she admits her office failed to notify the Appellant of that fact in writing, as the Act requires.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

#045

Distributed to:

Ernest Merriweather #194860
Maureen Leamy