



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE ATTORNEY GENERAL

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24-ORD-234

November 8, 2024

In re: Thomas Bunton/Warren Circuit Court Clerk

**Summary:** The Open Records Act (“the Act”) does not apply to the Warren Circuit Court Clerk (the “Clerk”).

***Open Records Decision***

Inmate Thomas Bunton (“Appellant”) submitted a request to the Clerk for copies of “the final report” and “empaneling order which shows the” signatures of the grand jury in his criminal case. Having construed the Appellant’s request as a filing in his criminal case, a Warren Circuit Judge entered an order denying the Appellant’s request. This appeal followed.

Although KRS 61.880(2) charges the Attorney General with the duty to resolve disputes regarding access to public records, the Act is not binding on the judicial branch. *Ex parte Farley*, 570 S.W.2d 617, 624 (Ky. 1978). Because the Act does not apply to court records, the Clerk was not required to honor the Appellant’s request. *See* 98-ORD-6. Accordingly, the Office dismisses the appeal.<sup>1</sup>

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.

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<sup>1</sup> The Office notes that the Supreme Court of Kentucky has adopted its own policies and procedures for requesting copies of court records from the judicial branch. Information on requesting court records is posted on the Court of Justice website at <https://www.kycourts.gov/Pages/open-records-request.aspx> (last accessed November 8, 2024).

**Russell Coleman**  
**Attorney General**

/s/ Zachary M. Zimmerer  
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Assistant Attorney General

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Distributed to:

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