



## COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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25-ORD-341

October 31, 2025

In re: Uriah Pasha/Little Sandy Correctional Complex

**Summary:** The Little Sandy Correctional Complex (“the Complex”) did not violate the Open Records Act (“the Act”) when it did not provide records that do not exist.

### *Open Records Decision*

Inmate Uriah Pasha (“the Appellant”) submitted a request to the Complex for “a copy of the document(s) that list the number of days and the start and end date” of his canteen restriction, “as well as any days that were tolled and the reason(s) for any tolled days if they apply.” In a timely response, the Complex provided two documents showing “how many days [the Appellant was] restricted and when [his] restriction ends.” The Complex informed the Appellant that days he spent in segregation do “not count towards the days” and explained that it does “not calculate [an inmate’s] restriction date anymore because KOMS<sup>1</sup> does that automatically based on [his] disciplinary violations.” This appeal followed.

The Appellant objects that the documents produced by the Complex do not list the “start and end date, as well as any days that were tolled and the reason(s) for any tolled days.” In response, the Complex states it provided the Appellant “a copy of all existing, responsive records in its possession” and there are no records “containing the specific information that he wanted.” Once a public agency states affirmatively that no further responsive records exist, the burden shifts to the requester to make a *prima facie* case that additional records do exist. See *Bowling v. Lexington–Fayette Urb. Cnty. Gov’t*, 172 S.W.3d 333, 341 (Ky. 2005). If the requester makes a *prima facie* case that the records do or should exist, “then the agency may also be called upon to prove that its search was adequate.” *City of Fort Thomas v. Cincinnati Enquirer*, 406 S.W.3d 842, 848 n.3 (Ky. 2013) (citing *Bowling*, 172 S.W.3d at 341). A requester must provide some evidence to make a *prima facie* case that requested records exist, such as the existence of a statute or regulation requiring the creation

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<sup>1</sup> The Kentucky Offender Management System.

of the requested record or other factual support for the existence of the records. *See, e.g., 21-ORD-177; 11-ORD-074.* A requester's bare assertion that certain records should exist is insufficient to make a *prima facie* case that the records actually do exist. *See, e.g., 22-ORD-040.* Here, the Appellant provided no evidence that any additional responsive records exist. Thus, the Appellant has not made a *prima facie* case that any more responsive records exist or should exist. Accordingly, the Office cannot find that the Complex violated the Act.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Pursuant to 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](mailto:OAGAppeals@ky.gov).

**Russell Coleman**  
Attorney General

/s/ James M. Herrick  
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Assistant Attorney General

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Distributed to:

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