



COMMONWEALTH OF KENTUCKY OFFICE OF THE ATTORNEY GENERAL

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26-ORD-294

July 1, 2026

In re: Joshua Brown/Madison Circuit Court Clerk

Summary: The Open Records Act (“the Act”) does not apply to records of the Madison Circuit Court Clerk (“the Clerk”).

Open Records Decision

On March 31, 2026, Joshua Brown (“the Appellant”) submitted a request to the Clerk for a copy of the “Indicting Grand Jury Empanelling [*sic*] Order for [Case No. 16-CR-0041].” The Appellant also requested a copy of the “[F]inal [R]eport of the January 2016 [Madison County Grand Jury] . . . in regard to indictments 15-F-00964 and 16-CR-00041” on April 16, 2026. As of May 26, 2026, the Appellant had not received a response to either of the requests and initiated this appeal.

Although KRS 61.880(2) charges the Office 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 respond to either of the Appellant’s requests. *See* 98-ORD-6. Accordingly, the Office dismisses the appeal.¹

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.

¹ The Appellant included a copy of a “Motion to Produce Grand Jury Recording and Grand Jury Empanelling [*sic*] Order and Report” filed in the Madison Circuit Court. However, the Office lacks jurisdiction to adjudicate the merits of that motion and, therefore, does not make any finding in that regard. *See* KRS 61.880(2)(a) (limiting the Office to issuing a “decision stating whether the agency violated provisions of” the Act).

Russell Coleman
Attorney General

/s/ Michelle D. Harrison
Michelle D. Harrison
Assistant Attorney General

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Distributed to:

Joshua Brown, #280311
David M. Fernandez, Circuit Court Clerk