



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

21-ORD-110

June 9, 2021

In re: Michael DeSpain/Honorable Mitch Perry, Judge, Jefferson Circuit Court

Summary: Because he is not bound by the provisions of the Open Records Act (“the Act”), Jefferson Circuit Court Judge Mitch Perry (“Judge Perry”) did not violate the Act in the disposition of a request for records.

Open Records Decision

Inmate Michael DeSpain (“Appellant”) submitted a request to Judge Perry to inspect certain records. Having received no response, he subsequently appealed to this Office.

Although the Attorney General is statutorily charged with the duty to resolve disputes concerning access to public records under KRS 61.880(2), the Act has no application to the judicial branch. *Ex parte Farley*, 570 S.W.2d 617 (Ky. 1978). Since circuit court judges, including Judge Perry, are not bound by the provisions of the Act, this Office cannot find that Judge Perry violated the Act by failing to respond to the Appellant’s request. *See* 98-ORD-6. Thus, the appeal is dismissed.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action

21-ORD-110

Page 2

in circuit court, but shall not be named as a party in that action or in any subsequent proceeding.

Daniel Cameron
Attorney General

/s/Marc Manley
Marc Manley
Assistant Attorney General

#165

Distributed to:

Michael DeSpain
Honorable Mitch Perry