



COMMONWEALTH OF KENTUCKY  
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**22-ORD-230**

October 25, 2022

In re: Uriah Pasha/Jefferson County Commonwealth's Attorney

**Summary:** The Jefferson County Commonwealth's Attorney ("the Commonwealth's Attorney") did not violate the Open Records Act ("the Act") when he withheld a record pertaining to criminal litigation under KRS 61.878(1)(h).

***Open Records Decision***

On September 19, 2022, Uriah Pasha ("Appellant") requested that the Commonwealth's Attorney provide a copy of the grand jury transcript in a case in which the Appellant is the defendant. In a timely response, the Commonwealth's Attorney denied the Appellant's request on the grounds that the transcript was a record pertaining to criminal litigation, which is exempt under KRS 61.878(1)(h).<sup>1</sup> This appeal followed.

Under KRS 61.878(1)(h), "records or information compiled and maintained by county attorneys or Commonwealth's attorneys pertaining to criminal investigations or criminal litigation shall be exempted from the provisions of [the Act] and shall remain exempted after enforcement action, including litigation, is completed or a decision is made to take no action." Grand jury transcripts are records pertaining to criminal litigation. *See, e.g.*, 17-ORD-085; 11-ORD-079; 00-ORD-116. Accordingly, the Commonwealth's Attorney did not violate the Act when he denied the Appellant's request for the grand jury transcript under KRS 61.878(1)(h).

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 within 30 days

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<sup>1</sup> On appeal, the Commonwealth's Attorney states that the requested record has since been provided to the Appellant and his counsel through discovery.

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 e-mailed to OAGAppeals@ky.gov.

**Daniel Cameron**  
**Attorney General**

s/ James M. Herrick  
James M. Herrick  
Assistant Attorney General

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