



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 20, 2017

Mr. Mark C. Kratovil  
Assistant District Attorney  
Tarrant County  
401 West Belknap, 9<sup>th</sup> Floor  
Fort Worth, Texas 76196-0201

OR2017-13650

Dear Mr. Kratovil:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 662841.

The Tarrant County Medical Examiner's Office (the "medical examiner's office"), which you represent, received a request for documents relating to a specified incident and a named individual. You assert the submitted information consists of records of the judiciary. We have considered the submitted arguments.

You state the medical examiner's office performs autopsies for smaller surrounding counties. You state, and provide documentation showing, the autopsy at issue was performed by the medical examiner's office pursuant to an order by the Williamson County Justice of the Peace, Precinct 4 (the "justice of the peace") as part of a judicial inquest into the death of the named individual. *See* Crim. Proc. Code arts. §§ 49.04 (requiring justice of the peace to conduct inquest in certain circumstances), .10 (listing circumstances in which autopsy shall be performed), .15(a) (requiring inquest record to be maintained in office of justice of the peace), .15(b)(8) (requiring that inquest record include autopsy report); *see also id.* arts. §§ 49.01-.24 (providing for duties of justice of the peace with regard to inquests and autopsies); Attorney General Opinion GA-0389 (2005). You explain the submitted information is not a record of the medical examiner's office but is held as a judicial inquest record for the justice of the peace. Thus, the instant request is for information maintained on behalf of the justice of the peace.

We note the Act does not govern access to judicial records. *See* Gov't Code § 552.003(1)(B) (providing that the term "[g]overnmental body" . . . does not include the judiciary").

“Access to information collected, assembled, or maintained by . . . the judiciary is governed by rules adopted by the Texas Supreme Court or by other applicable laws and rules.” *Id.* § 552 .0035(a). Information collected, assembled, or maintained for the judiciary by an agent of the judiciary is not subject to the Act. *Id.*; see Open Records Decision No. 513 at 2 (1988) (“When an individual or entity acts at the direction of a grand jury as the grand jury’s agent, information held or collected by the agent is within the grand jury’s constructive possession.”). Because a justice of the peace is a member of the judiciary, the records that a justice of the peace maintains are not subject to the Act. See Tex. Const. art. V, § 1; Open Records Decision No. 25 (1974). Therefore, the Act “neither authorizes information held by the judiciary to be withheld nor requires it to be disclosed.” ORD 25 at 3 (construing statutory predecessor). In performing the autopsy at issue, the medical examiner’s office was acting as the agent of the justice of the peace who ordered the autopsy, and thus, the requested autopsy records are collected and maintained by the medical examiner’s office on behalf of the justice of the peace. Accordingly, we find the submitted information is in the constructive possession of the justice of the peace, is consequently not subject to the Act, and need not be released in response to the instant request for information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Patrick P. Mehaffy  
Attorney  
Open Records Division

PPM/eb

Ref: ID# 662841

Enc. Submitted documents

c: Requestor  
(w/o enclosures)