

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 02-002

RESPONDENT: Alberto Garcia, Municipal Court Judge for the City of Harlingen

DATE: June 17, 2002

SPECIAL COMMITTEE: Judge John Ovard, Judge B. B. Schraub, Judge Darrell Hester, Judge Stephen B. Ables, Judge Dean Rucker

The applicant requested from the municipal court judge of the City of Harlingen access to citations for misdemeanor traffic violations. Shortly thereafter, he made the same request from the chief of police of the City of Harlingen. The city attorney replied that the municipal court staff would provide a report listing most of the information from the citations, but without the telephone numbers of the recipients. The city attorney explained that the citations are in the custody of the police department for only one business day before they are transmitted to the municipal court. He claims that the citations are adjudicative records that are not within the scope of Rule 12 when they are in the custody of the court.

We do not address whether the records are subject to disclosure under the provisions of the Public Information Act for the brief time that they are in the custody of the police department. *See* Rule 12 Decision 00-001; OR99-2611; OR99-3698. However, when they are in the custody of the municipal court they are records pertaining to the municipal court's adjudicative function and are created, produced, and filed in connection with matters that are or have been before the municipal court. As such, they are not judicial records within the definition of Rule 12.2(d).