

# Before the Presiding Judges of the Administrative Judicial Regions

## Per Curiam Rule 12 Decision

**APPEAL NO.:** 00-002

**RESPONDENT:** R. Brad Burger, Director, Smith County Department of Community Supervision and Corrections

**DATE:** April 10, 2000

**SPECIAL COMMITTEE:** Judge Pat McDowell, Judge Olen Underwood, Judge B. B. Schraub, Judge David Peebles, Judge Darrell Hester, Judge Stephen Ables, Judge Dean Rucker, Judge Jeff Walker, Judge Ray D. Anderson

The applicant is an individual who is incarcerated in a state correctional facility. To support his efforts to obtain a writ of habeas corpus, he requested copies of the presentence investigation report and the pretrial bond file kept by a probation officer in the Smith County Department of Community Supervision and Corrections. Respondent Mr. Brad Burger, the department's director, denied the request, and the applicant has filed a petition for review of this denial of access.

We need not reach the issues of whether these records are judicial records and whether they are subject to disclosure. Rule 12.4 provides that Rule 12 does not require a court, judicial agency, or records custodian to respond to or comply with a request for a judicial record from or on behalf of an individual who is imprisoned or confined in a correctional facility. Although this respondent filed a written response to the applicant, he was not required to do so by Rule 12. Similarly, the Office of Court Administration need not follow the procedures dictated by Rule 12.9 for appeals from denial of access to judicial records when the appeals are filed by incarcerated individuals. The Office of Court Administration is hereby directed to send a copy of this opinion to any such individuals who file a Rule 12 appeal.