

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 02-005

RESPONDENTS: J. B. Marshall, Jr. and Diana Jean Orton, Pflugerville Municipal Court Judges; and Jerry B. Jennison and Guillermo C. Serna, Tom Green County Justices of the Peace

DATE: December 23, 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 Pflugerville municipal court and from the Tom Green County Justice of the Peace courts the names, addresses, and completion dates of individuals who have received citations for moving violations and who have already been granted permission to attend a defensive driving course for a certain time period. The courts either responded that the information was not subject to the Public Information Act or that portions of the information requested were exempt from disclosure under Rule 12.5(d).

While the records are in the custody of the courts, they are records relating to cases pending in those courts. Thus, they are not subject to the Public Information Act, and they are not subject to Rule 12 of the Rules of Judicial Administration. *Rule 12 Decision 00-001*. Public access to criminal court records, such as those at issue here, are governed by common law and constitutional law, and such law dictates a presumption of openness. *Id.* Generally, traffic citations are subject to disclosure under the common-law right to copy and inspect court records. *Office of the Attorney General OR99-3698*. However, this committee has no power to enforce any right to access not governed by Rule 12.

Because these records are records related to cases in the respondent courts, they are not judicial records subject to Rule 12, and we accordingly deny the petition for review.