

Records Request. **Freedom of Information Act**

Access INDIANA Public Records Act

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[Date] 12/24/2024

[Public Agency Name]

[Carroll Circuit Court]

101 Main Street

Delphi, Indiana 46923]

Dear

[Carroll Circuit Court, County Clerk],

Under the Indiana Access to Public Records Act § 5-14-3-1 et seq., I am requesting an opportunity to inspect or obtain copies of public records that pertain to [describe the records or information sought with enough detail for the public agency to respond. Be as specific as your knowledge of the available records will allow].

The requested information is in the public interest and will contribute significantly to the public's understanding of transparency and accountability to ensure the ability to place trust within the Judicial Branch of the Government. This request is made by Anthony Greeno and Casey Conwell, hosts of the Delphi Murders Rewind podcast, a platform dedicated to uncovering and presenting factual information about criminal cases. This information is not being sought for commercial purposes.

The Indiana Access to Public Records Act requires a response time within seven business days. If access to the records I am requesting will take longer than seven days, please contact me with information about when I might expect copies or the ability to inspect the requested records.

Fees and Legal Precedence: According to Indiana Code § 5-14-3-8, fees for copying public records are capped and must be reasonable. Specifically, the fee for copying documents may not exceed ten cents (\$0.10) per page for non-color copies or

twenty-five cents (\$0.25) per page for color copies, or the actual cost to the agency of copying the document. Additionally, Indiana Code § 33-37-5-1 states that the document fee collected by the clerk may not exceed one dollar (\$1) per legal size or letter size page, including a page only partially covered with writing. Local ordinances or codes cannot overrule state law, as state law takes precedence. Any attempt to impose fees beyond what is allowed by state law is unlawful and unenforceable. Citizens have the right to ignore such unlawful demands.

Case Law References:

- **Knightstown Banner, LLC v. Town of Knightstown:** This case established that public agencies must provide access to public records unless they fall under specific exemptions. The court ruled that the town violated the Access to Public Records Act by failing to provide requested records in a timely manner.
- **Evansville Courier & Press v. Vanderburgh County Health Department:** This case reinforced that public records must be disclosed unless they are specifically exempted by law. The court held that the health department improperly withheld records related to restaurant inspections.
- **Indianapolis Star v. Trustees of Indiana University:** This case highlighted the importance of transparency in public institutions. The court ruled that the university must disclose records related to the compensation of its employees.
- **Anderson v. Huntington County Board of Commissioners:** This case emphasized that public agencies must respond to requests for public records within a reasonable time frame. The court found that the board violated the Access to Public Records Act by delaying its response.

Supreme Court Rulings on Social Media Influencers as Members of the Press:

- **Loper Bright Enterprises v. Raimondo:** The Supreme Court ruled that public officials who post about topics relating to their work on their personal social media accounts are acting on behalf of the government and can be held liable for violating the First Amendment when they block their critics¹.
- **O'Connor-Ratcliff v. Garnier:** The U.S. Court of Appeals for the 9th Circuit ruled that two school board members violated the First Amendment when they blocked two parents from their personal social media accounts, which they used to provide information about the board and its work¹.

Indiana Law on Access to Cameras in the Courtroom for Journalists:

- **Rule 2.17 of the Code of Judicial Conduct:** This rule gives judges the discretion to allow news media into their courtrooms to record, photograph, and broadcast court proceedings that are not confidential. The rule specifies that only news media as defined in Ind. Code 34-46-4-1 may be authorized².

By the definition of law, the Delphi Murders Rewind podcast, along with Anthony Greeno and Casey Conwell, are considered media agencies under Indiana codes.

Consequences for Non-Compliance: If the agency overcharges or fails to respond appropriately to this request, it may face legal consequences. Under Indiana law, penalties for non-compliance can include court action to produce the records, payment of attorney's fees, and fines for knowingly and intentionally withholding public records. Additionally, non-compliance can result in negative publicity and damage to the public perception of the agency.

Thank you for considering my request.

Sincerely,

Anthony Greeno & Casey Conwell
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360-821-4975