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Clerk of the court

Supreme Court of AL

Request for information under Alabama open records statute [Al. Code §36-25A-1 et seq.](#)

Request to forward attached petition to Chief Judge Roy Moore

4.24.2014

Dear Clerk of the Court,

On 04.22.2014 I received a response to my letter/petition to Judge Moore dated 03.22.2014 and received by the court on 03.27.2014. Attached response was signed in print "Clerk's office". There is no name of the clerk who drafted the response. Under AL. [Al. Code §36-25A-1 et seq.](#) I specifically request a copy of the corresponding page in the log held in the office of the Supreme Court with the name of the clerk who responded to my petition.

Code of Alabama 1975, § 36-12-40 provides that, "Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute." "Public writing" is not specifically defined in Alabama's Code but "public record" is defined at **Code of Alabama 1975, § 41-13-1**, as "all written, typed or printed books, papers, letters, documents and maps made or received in pursuance of law by public officers of the state, counties, municipalities and other subdivisions of government in the transaction of public business". Additionally, **Code of Alabama 1975, § 36-12-2**, states that "All public officers . . . shall correctly make and accurately keep . . . all such books or sets of books, documents, files, papers, letters and copies of letters as at all times shall afford full and detailed information in reference to the activities or business required to be done or carried on by such officer . . . and from which the actual status and condition of such activities and business can be ascertained without extraneous information. . . ."

In addressing proper application of the Open Records Act, the Supreme Court of Alabama has consistently held that each of these sections should be read together and that a "public writing" subject to the provision of § 36-12-40 is "such a record as is reasonably necessary to record the business and activities required to be done or carried on by a public officer so that the status and condition of such business and activities can be known by our citizens." **Stone v. Consolidated Publishing Co., 404 So.2d 678 (Ala. 1981)**. In other words, all public records or writings meeting this interpretation must be made available to citizens, including the media, upon request.

Further, the clerk of the court, who responded to my petition, completely misunderstood and misrepresented the petition, specifically; this unnamed clerk wrote that I requested the Supreme Court of Alabama to file documents with the U.S. District Court for the Middle District of Alabama. I never made such a request.

I am requesting to forward my petition attached herein to the Chief Justice Roy Moore for review.

Respectfully, Dr. Orly Taitz, ESQ