

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Joseph Orsini, Complainant ) Report of Hearing Officer  
against ) Docket #FIC 76-86  
State of Connecticut; and ) June 17, 1976  
State's Attorney for Middlesex )  
County, Respondents )

The above captioned matter was heard as a contested case on June 14, 1976, at which time the complainant and the respondents appeared and presented argument on the complaint. Prior to determining the merits of the complaint, the question of this Commission's jurisdiction was raised by the respondents by their motion to dismiss.

After consideration of the entire record, the following facts are found:

1. The respondents herein are the State of Connecticut and the State's Attorney for Middlesex County.
2. By letter dated May 3, 1976 addressed to the respondent state's attorney, the complainant requested access to inspect and copy certain documents in the possession of such state's attorney.
3. From the denial of access of certain of the documents therein requested, the complainant brought the present complaint by letter filed with this Commission on May 13, 1976.
4. The respondents contend that the office of state's attorney does not fall within the definition of public agency as stated in §1(a) of P.A. 75-342 and that therefore this Commission lacks jurisdiction to determine this controversy.
5. §1(a) of P.A. 75-342 includes within the definition of public agency "any judicial office, official or body of the court of common pleas, probate court and juvenile court" in respect to their administrative functions. It is found that the judicial offices, officials and bodies of the superior court are not included as public agencies as to either their administrative or judicial functions.
6. The question then becomes whether the respondent state's attorney is a judicial office, official or body of the superior court.
7. It is found that the respondent state's attorney is a judicial office, official or body of the superior court as the state's attorney is the prosecutorial arm of such court, appointed by the judges thereof.

8. It is therefore concluded that the respondent state's attorney is not a public agency under P.A. 75-342 and consequently this Commission lacks jurisdiction to determine the complaint herein.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

The complaint is hereby dismissed since the Commission lacks jurisdiction over same under P.A. 75-342.



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Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
June 25, 1976.



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Louis J. Tapogna  
Clerk

Freedom of Information Commission