



**Judge Chris Oldner**  
**416<sup>th</sup> Judicial District Court**

2100 Bloomdale, Suite 20030  
McKinney, Texas 75071

Board certified in Criminal Law  
by the Texas Board of Legal Specialization

972-548-4520  
972-548-4525(fax)

July 31, 2015

Ty Clevenger  
1095 Meadow Hill Drive  
Lavon, TX 75166

Mr. Clevenger,

My office received yesterday morning an e-mail that contains the following request:

Finally, pursuant to the Texas Public Information Act and Judicial Rule of Administration 12, I request the opportunity to view and copy the following documents or records, regardless of format (*e.g.*, emails, paper, etc.):

1. All correspondence, documents, or records wherein any person or entity asked Judge Chris Oldner or Judge John Roach, Jr. to seal the names of grand jurors. This request includes, but is not limited to, motions, letters, and emails, as well as document drafts. For example, if any person or entity sent a proposed or draft version of the orders sealing grand juror names, that information should be produced, even if it is just an envelope or sticky note addressed to the judge.
2. All correspondence, documents, or records (*e.g.*, memoranda) explaining how sending information to a grand juror is a "violation of the laws of the [S]tate of Texas."

It is the position of this court that the Tex. Gov't Code Ann. § 552.003(1)(B) specifically excludes the Judiciary from the Texas Open Records Act. In addition, a grand jury is not a "governmental body" under the Texas Open Records Act. *See also State v. Newton*, 179 S.W.3d 104 (Tex. App. San Antonio 2005)

This Court, therefore, will request an opinion from the Attorney General pursuant to Tex. Gov't Code § 552.301.

Your correspondence contains several other questions and statements, but it does not appear that they are requests under the Texas Open Records Act. To the extent they could be construed as such, the court will include these questions and statements in the request for an opinion.

In response to your request under Rule 12 of the Texas Rules of Judicial Administration, more specifically your request in Arabic number 1, this court has used the search dialogue box to attempt to locate any motion, letter, email or document draft relevant to your request and was unable to locate any responsive items.

In response to your request under Rule 12 of the Texas Rules of Judicial Administration, more specifically your request in Arabic number 2, this court declines to respond based on Rule 12.5(a) of the Texas Rules of Judicial Administration.

The 416<sup>th</sup> Judicial District Court convened a grand jury for the July term of 2015. We did not use the special commissioner method for selecting the grand jury, but instead issued summonses in the same manner as we would for a civil trial. In fact, I have not used special commissioners for several years.

I agree with your position that the grand jury is a separate and independent tribunal. I am troubled by your statement that you have attempted to present information to the grand jury through appropriate channels and believe that such attempts have been thwarted.

If any credible person has information concerning an offense liable to indictment, I will insure the information is made available to the grand jury. As far as I am aware, no such request for assistance has been made to this court.

Of Course, what the grand jury chooses to do with the information is exclusively in their province.

Although not an appropriate inquiry under the Texas Open records Act or the Texas Rules of Judicial Administration, I will, in the interest of full disclosure, answer your questions concerning certain business and investing relationships:

I am not currently, nor have I ever been, an investor, or had any other interest, in any business or real estate transaction that involved Mr. Paxton or Mr. Willis. As far as I am aware, no member of my family or personal friend is either a current or past investor in any such transaction.

I will forward to you a copy of the request for opinion as soon as it is complete. I will also include this correspondence and your correspondence in my request for opinion. If I can be of any further assistance, please let me know.

Sincerely,



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Chris Oldner  
Judge Presiding



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McKinney, TX 75071

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