

# THE COURIER

OF MONTGOMERY  COUNTY

Posted: Monday, October 13, 2014 9:15 am

## Appeals court sides with Montgomery County elected attorneys, against Judge Case, again

Staff Report

The 9th Court of Appeals last Wednesday again agreed with County Attorney J D Lambright and District Attorney Brett Ligon regarding the Petition for Writ of Mandamus they jointly filed Aug. 14 against District Court Judge Kelly Case. In this most recent complaint involving defendant Leon Davis, both elected officials argued that Case broke the law when he ordered District Clerk Barbara Adamick to release the addresses of every prospective juror summoned for all 12 District Courts and County Courts at Law for all of 2013.

Lambright stated that "such an order, if allowed to stand, would have forced the District Clerk to release confidential personal information of over 100,000 prospective summoned and seated jurors to a criminal defendant and his agents".

In their petition, both Lambright and Ligon argued "these addresses are confidential by law, and Judge Case has no authority to order a 3rd party, in this case county officials, to isolate, reproduce and disclose the electronic data". In their Memorandum Opinion, three appellate justices unanimously agreed and stated "we conclude the trial court abused its discretion by ordering production of the information at issue". The Court of Appeals further stated that we "... direct the trial court to vacate its order ...".

Lambright explained that "it's unfortunate that my office and the DA's office have repeatedly had to expend taxpayer funded resources in order to get a judge to simply follow the laws that our legislature has enacted. As the chief legal advisor to Montgomery County, my office cannot just sit on the sidelines when our clients (in this case our District Clerk and our Information Technology Department) are being directed to comply with an illegal order. To do otherwise could potentially subject the county and its employees to liability for divulging personal information of our residents. It's gratifying to see that once again the appellate court supports our position."

The Court of Appeals stated in its opinion, "this is the second time relators (i.e. Ligon and Adamick) have sought similar mandamus relief in the same criminal case". On October 16, 2013, the appellate court ordered Case to vacate a similar order to disclose address and racial data from the 600 most recently completed jury summons questionnaires. The appellate court held at that time that the information was confidential by law, and that Davis's complaints about jury panels summoned in other cases were merely "speculative," since no effort to empanel a jury in Davis's case has ever been made.

District Attorney Brett Ligon stated that "jurors need to be able to exercise their public duty of jury service without being afraid that their personal, private information will be turned over to criminals." Lambright further emphasized that "our District Clerk is charged with the responsibility of protecting the confidentiality of jurors' private information. It is imperative that prospective and seated jurors be able to depend on our judicial system to maintain this confidentiality."

On two other occasions this year, the appellate court has also ruled that Case acted unlawfully. In June the court ruled that Case exceeded his authority in ordering prosecutors to

permit a criminal defendant to transcribe a recording of a forensic interview of a juvenile sexual assault complainant at the Safe Harbor children's advocacy center. And in February, it ordered Case to stop his practice of waiving all of the court costs which are required to be assessed against criminal defendants sentenced to terms of confinement.