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# Court records are public records

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**T**he Daily Journal believes in and strongly supports holding officials accountable for their actions. The Daily Journal is also a strong supporter of open records.

To back up our beliefs, we filed a petition in the Missouri Court of Appeals Southern District against Judge William C. Seay, Circuit Judge in the Circuit Court of Iron County.

We asked the appeals court to prevent the judge from closing the criminal file of the State of Missouri v. Cledith Wakefield. We also asked for a writ of mandamus (a legal term whereby a higher court orders a subordinate court to do or to refrain from doing a particular thing) which would require the judge to open the criminal file. The suit also asks in addition to those things or as an alternative, that the judge be required to issue an order explaining why he closed the file.

On July 27, the Court of Appeals issued an order for Judge Seay to file a written response stating the specific legal basis for closing and sealing the case of State of Missouri v. Cledith Wakefield on or before Aug. 6.

The court also directed the judge to provide them "with a copy of any written suspended imposition of sentence (including all terms and conditions of probation)..." The court also ordered the suspended imposition of sentence to be delivered to them.

Judge Seay ordered Wakefield's file closed and sealed immediately after the case's disposition on April 8.

As a newspaper, it is our job to be the public's eyes and ears at school board meetings, city council meetings and court proceedings.

In order to keep our readers as informed as possible, we try to sit in on as many of these meetings and court proceedings as feasible. However, it is not always possible for us to attend every single event, so we rely on the open records law which allows us to read the minutes of board meetings and to review the decisions in court cases.

Wakefield was the chief of police in Leadington when he was charged in June of 2008 with felony forgery and misdemeanor stealing. The charges alleged Wakefield, who has been chief for about 25 years, cashed for former police officer Ken Short Jr.'s last paycheck in September 2007 and didn't give the money to the officer. The check was for \$330.

He was granted a change of venue to Iron County. He resigned as chief of police in February and his trial was set for April 8 and 9, 2010, in Iron County. He had told a Daily

Journal reporter that he was not guilty of the crimes he was accused of and that he was looking forward to his trial so he could be vindicated.

When a Daily Journal reporter arrived at the courthouse just before 10 a.m. on the date of the trial, she was told by the circuit clerk that the case had been disposed earlier that morning and that Judge Seay had ordered the file closed and sealed.

The reporter then asked to speak to the judge so she could request that he let her see the file. The clerk told her the judge wanted a written request to open the file.

Judge Seay refused the written request by the Daily Journal. The reporter wrote her story about the trial using unnamed sources who said Wakefield pleaded guilty to the misdemeanor stealing charge and was placed on probation. One of the sources said Wakefield lost his POST certification and was ordered to complete community service and pay restitution. According to that source, the judge then suspended the imposition of sentence, placed Wakefield on probation and immediately closed his file.

In Missouri, public records are open to public inspection. There are only a few times where criminal records may be closed. Those include cases where the accused's case is dismissed or the accused is found not guilty, or when the imposition of sentence is suspended.

If indeed the judge did suspend the imposition of sentence for Wakefield, the same section of Missouri's state statutes reads that the records "shall be closed when the case is finally terminated and except that the court's judgment or order or the final action taken by the prosecutor may be accessed."

It is the Daily Journal's stance that the judge erred in closing the case since the probation has not been completed. Furthermore, Judge Seay was required to issue a specific reason for closing the case, which he refused to do.

We applaud the Missouri Court of Appeals for ordering Judge Seay to explain his actions and are hopeful that a second ruling will order the case opened for public viewing.

The State of Missouri has a strong open records law. Missouri was one of the earliest states to pass such a law which directly stated that meetings, records, votes, actions, and deliberations of public governmental bodies are to be open to the public.

This law, RSMO Chapter 610, sometimes referred to as the Sunshine Law, was signed





into law in 1973.

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