



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

July 31, 1990

Kenneth R. Yarbrough
Chief of Police
City of Richardson, Texas
P.O. Box 831078
Richardson, Texas 75083-1078

OR90-348

Dear Chief Yarbrough:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10090.

The City of Richardson Police Department received an open records request for the records of all complaints, reprimands, disciplinary proceedings, and suspensions of a named officer. You contend that the requested information comes under the protection of section 3(a)(3) of the Open Records Act. Based on the requestor's representation that "I represent a defendant in a pending criminal trial in Dallas County, in which . . . [the named officer is] involved as [a] potential witness," it is clear that the requested information relates to pending litigation to which the state is a party. See Open Records Decision No. 555 (1990). Consequently, you may in this instance withhold the requested information in its entirety pursuant to section 3(a)(3).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-348.

Yours very truly,

A handwritten signature in cursive script that reads "Kay H. Guajardo".

Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/RWP/le
Ref.: ID# 10090, 9867, 9578
cc: Walter J. Scott
1928 Main
Dallas, Texas 75201