



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

August 22, 1990

Mr. Eduardo Miranda  
Assistant City Attorney  
City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79999

OR90-398

Dear Mr. Miranda:

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# 9105.

The city of El Paso received a request for information relating to the investigative file of a criminal suspect and for a report concerning the officers who fired their weapons during the arrest of the suspect. The requestor is an attorney for a woman who was shot during the incident leading to the suspect's arrest. The attorney has filed a notice of injury and claim for damages against the city. The city seeks to withhold the requested information from required public disclosure under sections 3(a)(3) and 3(a)(8) of the Open Records Act.

We have considered the exception you claimed and have reviewed the documents at issue. Based on the information provided, it appears that the city may reasonably anticipate litigation involving the incident that is the subject of the request for information. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information under section 3(a)(3) of the Act. As we conclude that the information may be withheld under section 3(a)(3), we do not address your claim that it may be withheld under section 3(a)(8).

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 OR90-398.

Yours very truly,

*David Newton by JEN*

David A. Newton  
Assistant Attorney General  
Opinion Committee

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Ref.: ID# 9105

Enclosure: Open Records Decision No. 551

cc: Mr. Donald Williams  
Attorney at Law  
916 Magoffin Avenue  
El Paso, Texas 79901