



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTON  
ATTORNEY GENERAL

September 18, 1990

Ms. Annette Jones  
Assistant City Attorney  
City of Waco  
P.O. Box 2570  
Austin, Texas 76702

OR90-443

Dear Ms. Jones:

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# 10033.

The Waco Police Department received an open records request for "any and all investigations" pertaining to the shooting of a Mexican national by a Waco police officer. Because the city intended to refer this matter to the McLennan County Grand Jury at the time of the open records request, you originally contended that the requested records came under the protection of section 3(a)(3) of the Open Records Act. You have recently informed this office, however, that since the time you requested an open records decision concerning this matter, the grand jury has no-billed the police officer and that no further litigation is currently anticipated. Section 3(a)(3) is therefore inapplicable in this instance. You have raised none of the act's other exceptions with regard to this information; consequently the requested information must be released.

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 OR90-443.

Yours very truly,

Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/RWP/le  
Ref.: ID# 10033  
cc: Robert Gamboa, Director  
LULAC - District 17  
3605 Gorman Avenue  
Waco, Texas 76710