



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

June 26, 1991

Mr. Robert E. Diaz  
Assistant City Attorney  
Police Legal Advisor  
City of Arlington Texas  
P.O. Box 1065  
Arlington, Texas 76004-1065

OR91-309

Dear Mr. Diaz:

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# 12688.

The City of Arlington received an open records request for a copy of an arrest warrant affidavit regarding the sexual assault of a minor who was subsequently murdered by the suspect before the arrest warrant was served. You state you have released information in the affidavit that is similar to other information previously released to the public by the Fort Worth Police Department. You have marked the remaining information in the affidavit that you contend comes under the protection of section 3(a)(8).

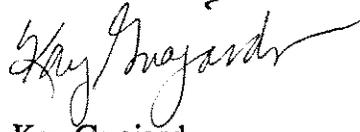
A previous determination of this office, Open Records Decision No. 408 (1984), a copy of which is enclosed, resolves your request. One of the purposes of section 3(a)(8) is to protect law enforcement and crime prevention efforts by preventing criminal suspects from using records in order to evade prosecution. See Open Records Decision Nos. 133, 127 (1976). Based on your assertion that the criminal suspect has not yet been granted access to the affidavit at issue, you may at this time withhold the marked information pursuant to section 3(a)(8).

Because case law and prior published open records decisions resolve your

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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 OR91-309.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Opinion Committee

RWP/lb

Ref.: ID# 12688

Enclosure: Open Records Decision No. 408

cc: Catherine McMahon  
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