



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1995

Mr. John C. West, Jr.
Chief Legal Services
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR95-1002

Dear Mr. West:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 35070.

The Texas Department of Public Safety (the "department") has received a request for "lab work and reports which pertain to the trial" of a specified individual. You explain that this person was originally convicted for double murder in 1975 but the conviction was subsequently overturned by the Court of Criminal Appeals in 1977. You further state that the Travis County District Attorney dismissed the case in 1978. You notified the district attorney's office of this request by sending a copy of your request for a ruling to this office. You claim, presumably on behalf of the Travis County District Attorney, that section 552.108 exempts the requested information from required public disclosure. We have not received any correspondence regarding this request from the Travis County District Attorney and presume, for purposes of this ruling, that the department has not received a response either.

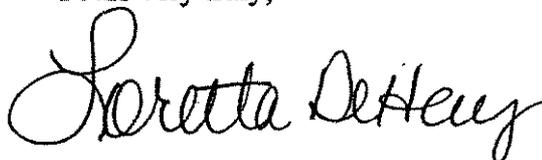
In an open criminal case, section 552.108 exempts from disclosure all information except that normally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." Open Records Decision No. 553 (1990) at 4 (and cases cited therein).

A governmental body claiming the "law enforcement" exception must reasonably explain how and why release of the requested information would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 434 (1986) at 2-3.

In light of the above facts, we conclude that you may not withhold the requested records under section 552.108. The case appears to have been closed in 1978 and neither the department nor the Travis County District Attorney has explained how release of the requested information will unduly interfere with law enforcement. You must therefore release the requested records in their entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 35070

Enclosures: Submitted documents

cc: Mr. Ken Driggs
1300 Sunrise Road, Apt. 215
Round Rock, Texas 78664
(w/o enclosures)