



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1995

Ms. Y. Qiyamah Taylor
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR95-1313

Dear Ms. Taylor:

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# 36914.

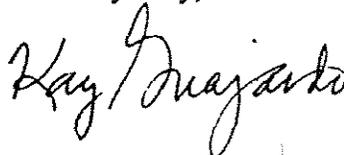
The City of Houston (the "city") received a request for its 911 tape regarding the shooting of Ana Canela. You assert that the requested tape is excepted from required public disclosure pursuant to sections 552.101, 552.103, and 552.108 of the Government Code.

You inform us that a suspect has been charged with attempted murder. You also inform us that the case, *State of Texas v. Julian Aguilar Cabrera*, Cause No. 704520, is set for arraignment on November 15, 1995. You have enclosed an affidavit of a Harris County assistant district attorney, who states that the release of the tape would interfere with the enforcement of this case.

Section 552.108 excepts from disclosure evidentiary information related to a pending criminal case, with the exception of certain basic information ordinarily appearing of the first page of an offense report. See Open Records Decision No. 127 (1976). We conclude that the city may withhold the requested tape from required public disclosure pursuant to section 552.108 of the Government Code. We therefore need not address your claims under sections 552.101 and 552.103 at this time.

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 36914

Enclosure: Submitted tape

cc: Mr. Chris Hanson
Assignment Manager
KPRC TV2
P.O. Box 2222
Houston, Texas 77252-2222
(w/o enclosure)