



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 18, 1995

Mr. Rick Ybarra  
Assistant Attorney General  
Open Records Coordinator  
General Counsel Division  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR95-1446

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37078.

The Office of the Attorney General (the "Attorney General") received a request for a copy of the Attorney General's file concerning the death of Rene Gutierrez, Jr. While the Attorney General has released some of the requested documents, the Attorney General claims that the remainder of the documents are excepted from disclosure under sections 552.101 and 555.103 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

You claim that sections II through V and the attachments to the custodial death report are excepted from disclosure pursuant to article 49.18 of the Code of Criminal Procedure.<sup>1</sup> Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. We conclude that, pursuant to article 49.18 of the Code of Criminal Procedure, as applied through section 552.101 of the Government Code, you must withhold sections II through V of the custodial death report.

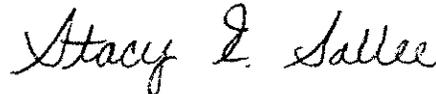
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<sup>1</sup>It appears that the Attorney General has released section I of the custodial death report to the requestor.

*See* Open Records Decision No. 521 (1989). Similarly, the documents compiled and attached to the custodial death report as attachments must be withheld. *Id.* at 7.<sup>2</sup>

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 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref: ID# 37078

Enclosures: Submitted documents

cc: Mr. Jesse R. Castillo  
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(w/o enclosures)

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<sup>2</sup>As we have concluded that the Attorney General must withhold this information from disclosure under section 552.101, we need not address your section 552.103 claim.