



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 12, 1997

Captain Robert Taylor  
Amarillo Police Department  
200 S.E. 3rd Avenue  
Amarillo, Texas 79101-1514

OR97-1373

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106629.

The Amarillo Police Department (the "department") received a request for:

1. Investigative and/or incident reports regarding Jerry Dean Heggstad;
2. Complaints against or made by Jerry Dean Heggstad; and
3. Warrants, citations, or other charges filed against Jerry Dean Heggstad.

You claim that the requested document which you submit as responsive is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.<sup>1</sup> We reviewed the document and have considered the exceptions you claim.

Section 552.003(b) of the Government Code excludes the judiciary from the Open Records Act. However, Texas courts have long recognized a common-law right to copy and inspect certain judicial records. Attorney General Opinion DM-166 (1992); Open Records Decision No. 618 (1993). The document you submit appears to be a list of the individual's driving offenses, citation numbers, offense dates, final dates and disposition descriptions as certified by the municipal court clerk. Consequently, the record may be

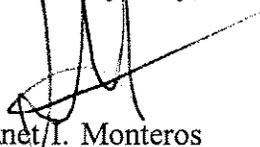
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<sup>1</sup>We presume that as you have not included any of the items requested under numbers one through three of the request, with the exception of the submitted document, you either do not have that information or you have already released that information to the requestor. The Open Records Act requires a governmental body to make available copies of the actual record requested, with any confidential or otherwise nondisclosable information excised; re-typing, using asterisks, ellipses, etc., is not acceptable unless the requestor agrees. Open Records Decision No. 606 (1992).

subject to disclosure under statutory law governing municipal courts. *See* Gov't Code § 29.007(d)(4) (complaints filed with municipal court clerk); *id.* § 29.007(f) (municipal court clerks shall perform duties prescribed by law for county court clerk); Loc. Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order). Consequently, the document may be available for inspection and copying as judicial records and as such are subject to the court's inherent power to control public access to its records. Open Records Decision No. 25 (1974).<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 any questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/alg

Ref: ID# 106629

Enclosures: Submitted document

cc: Mr. Robert L. Templeton  
Templeton, Smithee, Hayes & Fields  
1313 Bank One Center  
600 S. Tyler L.B. 12075  
Amarillo, Texas 79101-2337

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<sup>2</sup>Since the document does not come within the purview of the Open Records Act, we need not address the exceptions under sections 552.101 and 552.108 at this time.