



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 29, 1997

Mr. John T. Patterson
Assistant City Attorney
City of Waco
Legal Services
P.O. Box 2570
Waco, Texas 76702-2570

OR97-2191

Dear Mr. Patterson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 109959.

The City of Waco (the "city") received a request for a particular offense report. You inform us that you have furnished the requestor with the front page offense report information. However, you assert that the remaining requested information, which you have highlighted, is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents submitted.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

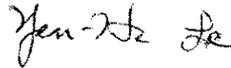
(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. . . .

You state that the requested information "concerns an active criminal case which has been set for a pretrial hearing on September 3, 1997, in the Municipal Court of the City of Waco." As the requested information relates to a pending criminal prosecution, we find that release

of the remaining requested information would interfere with the detection, investigation, or prosecution of crime. Open Records Decision No. 216 (1978). Thus, the highlighted information is excepted from disclosure under section 552.108(a)(1). Although section 552.108 authorizes you to withhold the remaining requested information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref: ID# 109959

Enclosures: Submitted documents

cc: Ms. Miriam Fowler
3811 Hubby Ave.
Waco, Texas 76710
(w/o enclosures)