



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 27, 1997

Ms. Deane Bostick-Martin  
Records System Supervisor  
Lubbock Police Department  
P.O. Box 2000  
Lubbock, Texas 79457

OR97-2388

Dear Ms. Bostick-Martin:

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# 110943.

The Lubbock Police Department (the "department") received an open records request for all police reports and other related documents pertaining to Case No. 6-018051. You contend that, except for the categories of information specifically made public in *Houston Chronicle Publishing Company 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), which you state the department has released to the requestor, the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code.<sup>1</sup>

Section 552.108(a)(2) of the Government Code, as amended by the 75<sup>th</sup> Legislature, excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . 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 explain that the District Attorney has declined to prosecute this case. Thus, the case did not result in a conviction or deferred adjudication. Because you have shown that the records at issue pertain to a criminal investigation that did not result in a conviction or deferred adjudication, we conclude that you have met your burden of establishing the applicability

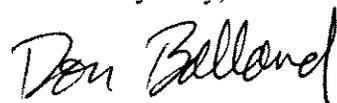
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<sup>1</sup>Because we resolve your request under section 552.108, we need not address the applicability of the other exception you raise, section 552.103 of the Government Code.

of section 552.108(a)(2). The department may withhold the information at this time pursuant to section 552.108.

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,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/RWP/ch

Ref.: ID# 110943

Enclosures: Submitted documents

cc: Mr. Tom H. Whiteside  
Carr, Fouts, Hunt & Wolfe, L.L.P.  
P.O. Box 2585  
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(w/o enclosures)