



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1997

Mr. Don Schnebly
District Attorney
43rd Judicial District - Parker County
One Courthouse Square
Weatherford, Texas 76086

OR97-2779

Dear Mr. Schnebly:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code, the Texas Open Records Act. Your request was assigned ID# 111309.

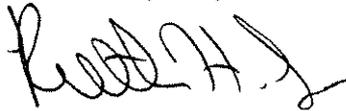
The Parker County District Attorney's Office (the "district attorney") received a request for records pertaining to the capital murder prosecution of Jeffrey Eugene Tucker. You indicate that you have provided the requestor with most of the requested information, but you assert that some of the requested documents are excepted from disclosure under section 552.108(a)(3) or section 552.108(b)(3). The documents at issue were submitted to this office for review.

Section 552.108(a)(3) provides that information held by a prosecutor that deals with the prosecution of crime is excepted from public disclosure if it is either (1) prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation or (2) if it is information that reflects the mental impressions or legal reasoning of an attorney representing the state. Section 552.108(b)(3) provides that an internal record or notation of a prosecutor that is maintained for internal use in matters relating to prosecution is excepted from public disclosure if it is either (1) prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation or (2) if it is information that reflects the mental impressions or legal reasoning of an attorney representing the state.

We have reviewed the information submitted to this office for which you assert section 552.108 protection. The documents include the prosecutors' hand written notes reflecting the prosecutor's mental impressions and legal reasoning concerning the case, case law concerning legal issues, and jury questionnaires with the prosecutors' notes. We agree that you have shown the applicability of section 552.108(a)(3) to the submitted information, which may be withheld from disclosure.

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is stylized and cursive.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 111309

Enclosures: Submitted documents

cc: Ms. Danalynn Recer
Attorney at Law
636 Baronne Street
New Orleans, Louisiana 70113
(w/o enclosures)