



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 6, 1998

Mr. Robert Dillard, III  
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.  
1800 Lincoln Plaza  
500 North Akard  
Dallas, Texas 75201

OR98-0373

Dear Mr. Dillard:

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# 112319.

The City of University Park (the "city"), which you represent, received a request for information relating to the scene of the deaths of several individuals, including notes written by Emily Jane Hopkins. We initially ruled on your request in OR98-0065 (1998) wherein we concluded that, as you did not submit to this office the information required by section 552.301(b) of the Government Code, the information was presumed public and had to be released. *See Gov't Code* §552.303(e). Subsequently, it has come to our attention that the city did in fact submit the required information in a timely fashion. Therefore, we are withdrawing our ruling in OR98-0065 (1998), and replacing it with this ruling, ID# 112319. We will now address your arguments against disclosure.

You state that a portion of the requested information has been made public, but assert that the remaining responsive information is excepted from disclosure pursuant to sections 552.108 of the Government Code. We have considered your arguments and have reviewed the information submitted.<sup>1</sup>

Section 552.108, the "law enforcement exception," provides:

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<sup>1</sup>We assume that the "representative samples" of records submitted to this office are truly representative of the requested records as a whole. *See Open Records Decision Nos. 499 (1988), 497 (1988)*. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(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; (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; or (3) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the matter which is the subject of the request did not result in conviction or deferred adjudication. On this basis, we conclude that the requested information is excepted from disclosure pursuant to section 552.108(a)(2).

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,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref.: ID# 112319

Enclosures: Submitted documents

cc: Ms. Sally Giddens Stephenson  
D Magazine  
1700 Commerce Street, 18<sup>th</sup> Floor  
Dallas, Texas 75201  
(w/o enclosures)