



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 10, 1998

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

OR98-0404

Dear Captain Taylor:

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# 112685.

The Amarillo Police Department (the "department") received an open records request for the photographs in cause number 97-58325. You seek to withhold the requested information pursuant to section 552.108 of the Government Code.

Section 552.108(a) of the Government Code, as amended by the Seventy-fifth Legislature, exempts 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 (1) release of the information would interfere with the detection, investigation, or prosecution of crime" Because you have informed this office through correspondence from Rus Bailey, a Randall County assistant district attorney, that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time would interfere with law enforcement or prosecution. You therefore may withhold the photographs pursuant to section 552.108(a)(1).

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, appearing to read 'Janet I. Monteros', with a long horizontal stroke extending to the right.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/alg

Ref.: ID# 112685

Enclosures: Submitted documents

cc: Mr. John P. Kerr
2226 Peachtree
Amarillo, Texas 79109
(w/o enclosures)