



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 27, 1998

Ms. Victoria T. Huynh
Assistant City Attorney
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

OR98-0557

Dear Ms. Huynh:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113185.

The City of Plano (the "city") received a request for copies of documents relating to four criminal charges that were filed on July 18, 1997. You state that city has released some of these documents to the requestor, to include all front page offense report information. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. 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); Open Records Decision No. 127 (1976). You contend that the remaining documents are excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." You state that the documents at issue relate to pending criminal prosecutions. Based upon this representation, we conclude that the release of these documents would interfere with the prosecution of crime. *See Houston Chronicle Publ'g Co. 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) (court delineates law enforcement interests that are present in active cases). Accordingly, the city may withhold the documents from disclosure under section 552.108(a)(1) of the Government Code.¹

¹In light of our conclusion under section 552.108, we need not address your section 552.103 claim.

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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 113185

Enclosures: Submitted documents

cc: Mr. Michael Timothy Bland
Collin County Detention Facility
4300 Community Blvd.
McKinney, Texas 75070
(w/o enclosures)