



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

Ms. Rosalinda O. Fierro
Paralegal, Records Department
Office of the District Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR98-3285

Dear Ms. Fierro:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121078.

The Travis County District Attorney's Office received a request for "copies of the prosecution files" concerning two specified cases. You seek to withhold information responsive to the request under sections 552.101, 552.108, and 552.130 of the Government Code.

Section 552.108(a)(3) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

. . . .

(3) it is information that:

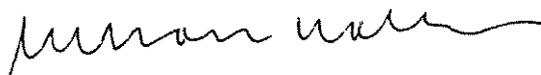
(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state[.]

You contend that the records responsive to the instant request may be withheld in their entirety under the ruling in *Curry v. Walker*, 873 S.W.2d 379 (Tex. 1994). There, the Texas Supreme Court ruled that, where a district attorney's entire litigation file was sought by subpoena, the work product privilege extended to the entire file because that material reflected the attorney's mental impressions. We agree that you may withhold the prosecution files responsive to the instant request in their entirety under section 552.108(a)(3)(B) in conjunction with the ruling in *Curry*. Since we have disposed of this request under section 552.108(a)(3)(B), we need not address at this time the other exceptions to disclosure you raised.

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 121078

Enclosures: Submitted documents

cc: Mr. Jack Montague
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(w/o enclosures)