



July 2, 1999

Mr. John Julian Moore
Colorado County Attorney
400 Spring Street, 2nd Floor West
Columbus, Texas 78934

OR99-1846

Dear Mr. Moore:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125449.

Colorado County (the "county") received a request for information from files of cases that resulted in pre-trial diversion. You have supplied responsive information to this office for review, claiming that it is excepted from disclosure by section 552.108(b)(2) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

We first note that basic information about a crime or arrest, such as the information normally found on the front page of an offense report, is considered public and is not excepted from disclosure. *See generally* Gov't Code § 552.108(c); *Houston Chronicle*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). Other than basic information, Government Code section 552.108(b)(2) excepts from disclosure an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution if the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication. You differentiate files of cases where defendants have been placed on probation using a "pre-trial diversion" from those that result in convictions and deferred adjudication. However, section 552.108(b)(2) contemplates only cases which have a final result. Information in ongoing cases may be excepted under other provisions. You relate that in pre-trial diversion cases "[i]f an offender violates his probation on a pre-trial diversion, the case is placed on the docket for disposition as if it had never been diverted." From your representation, we

deduce that pre-trial diversion does not constitute a final result. Therefore, the information is not excepted from disclosure by section 552.108(b)(2) of the Government Code.

Some of the submitted information is subject to section 552.130 of the Government Code. This section excepts from disclosure information obtained from motor vehicle records relating to motor vehicle operator's or driver's license or permit issued by an agency of this state and motor vehicle title or registration issued by an agency of this state. Gov't Code § 552.130. You must withhold driver license numbers, VIN numbers, and the license plate numbers pursuant to section 552.130. The balance of the information must be released.

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.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 125449

Encl. Submitted documents

cc: Ms. Tana Ross
Colorado County Citizen
P.O. Box 548
Columbus, Texas 78934
(w/o enclosures)