



September 10, 1999

Ms. Tenley A. Aldredge
Assistant County Attorney
County of Travis
314 West 11th Street, Suite 300
Austin, Texas 78767

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OR99-2528

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID#127205.

Travis County (the “county”) received a request for all files relating to four specified individuals. You contend that the responsive information is excepted from public disclosure by sections 552.101, 552.103, 552.108, 552.110, and 552.130 of the Government Code. You have supplied a representative sample of the responsive information to this office for review.¹ We have considered the exceptions you raise and have reviewed the submitted information.

Section 552.108(a)(3) excepts from required public disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if the information is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation or it reflects the mental impressions or legal reasoning of an attorney representing the state.

You relate that the records responsive to the instant request consist of a file compiled by prosecuting attorneys in the course of preparing a case for criminal prosecution. You refer to this file as the “Spellman Investigation” file. You contend that these records may be withheld in their entirety under the ruling in *Curry v. Walker*, 873 S.W.2d 379 (Tex. 1994).

¹We assume that the “representative sample” of records submitted to this office is 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.

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 information in the prosecution files responsive to the instant request under section 552.108(a)(3)(B) in conjunction with the ruling in *Curry*. However, note that section 552.108 does not excepted "basic information" about a crime or arrest. Gov't. Code 552.108(c). Information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, including a detailed description of the offense and any arrests, even if this information is not actually located on the front page of the offense report. *See* Open Records Decision No. 127 (1976). Other than "basic" information, the Spellman Investigation file may be withheld under section 552.108. Since we have disposed of this request under section 552.108, 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.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 127205

Encl. Submitted documents

cc: Ms. Denise McGraw
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(w/o enclosures)