



November 22, 1999

Ms. Judith Hunter
Paralegal
City of Georgetown
113 E. 8th Street
P.O. Box 409
Georgetown, Texas 78627-0409

OR99-3339

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129610.

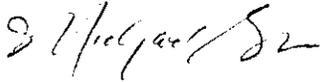
The City of Georgetown (the "city") received a request for information related to case number 97-11624. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You assert that prosecution of the subject case resulted in a probated sentence and that this probationary period has been extended. You contend that because the defendant in that case remains on probation, the case is still pending. We do not believe that you have demonstrated the applicability of Government Code section 552.101(a)(1). *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)(delineates law enforcement interests in active cases); Open Records Decision No. 216 (1978). Additionally, as the defendant in this case is under probation, we deduce that the prosecution of this case resulted in conviction or deferred adjudication. Information in such cases is not excepted

from disclosure by section 552.108(a)(2). We conclude that you have not shown that the information related to this case is excepted by section 552.108 of the Government Code. The information must therefore 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# 129610

Encl. Submitted documents

cc: Ms. Laura Brookshire
700 Louis Henna Boulevard
Round Rock, Texas 78664
(w/o enclosures)