



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 16, 2009

Mr. Miguelangel Matos  
Denton, Navarro, Rocha, & Bernal  
Attorneys for City of Copperas Cove  
2517 North Main Avenue  
San Antonio, Texas 78212

OR2009-09840

Dear Mr. Matos:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 349506.

The City of Copperas Cove (the "city"), which you represent, received a request for information related to case number 03-0455. You claim that the requested information is exempted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

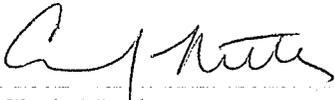
Section 552.108(a)(1) of the Government Code exempts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime [if] release of the information would interfere with the detection, investigation, or prosecution of crime." Govt' Code § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You inform us that the submitted report relates to a pending investigation. We note, however, that the submitted report involves the alleged offense of telephone harassment, a misdemeanor, that occurred in February, 2003. The statute of limitations for this type of offense is two years. *See* Crim. Proc. Code art. 12.02. More than two years have elapsed since the events giving rise to the investigation in this report. You have not informed this office of any criminal charges that were filed within the limitations period, nor do you state that a prosecution is pending with regard to these matters. Thus, you have not explained

how release of this report would interfere with the detection, investigation, or prosecution of crime. Therefore, the city may not withhold the submitted information under section 552.108(a)(1). As your raise no other exceptions against disclosure, the submitted information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/eb

Ref: ID# 349506

Enc. Submitted documents

c: Requestor  
(w/o enclosures)