



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 10, 2009

Ms. Yvette Aguilar
Assistant City Attorney
City of Corpus Christi, Legal Department
P.O. Box 9277
Corpus Christi, Texas 78459-9277

OR2009-11120

Dear Ms. Aguilar:

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# 351661.

The Corpus Christi Police Department (the "department") received a request for supplemental reports related to report number 02-023884. You claim that the responsive 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.

Initially, you indicate that a portion of the submitted information, which you have marked, is not part of the supplemental report to report number 02-023884 and thus is not responsive to the present request. The department need not release non-responsive information in response to this request, and this ruling will not address such information.

You raise section 552.108(a)(2) of the Government Code as an exception against disclosure of the responsive information. Section 552.108(a)(2) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]" Gov't Code § 552.108(a)(2). A governmental body that claims an exception to disclosure under section 552.108 must reasonably explain how and why this exception is applicable to the information that the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that the submitted information relates to a criminal prosecution filed in the city's Municipal Court

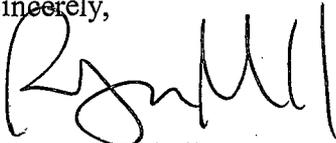
(the "court"). You inform us that the court placed the defendant on an order of deferred disposition pursuant to article 45.051 of the Code of Criminal Procedure, and, subsequent to the defendant's compliance with the deferred disposition order, the court dismissed the case. Based on your representations, we agree that the submitted responsive information relates to a criminal prosecution that did not result in conviction or deferred adjudication. Accordingly, section 552.108(a)(2) of the Government Code is generally applicable to this information.

However, section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Section 552.108(c) refers to the basic "front-page" information held to be public in *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. App.—Houston [14th Dist.] 1975), *writ ref'd n.r.e.*, 536 S.W.2d 559 (Tex. 1976). See Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Thus, with the exception of basic information, the department may withhold the submitted responsive information under section 552.108(a)(2) of the Government Code.

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, 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,



Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/rl

Ref: ID# 351661

Enc. Submitted documents

cc: Requestor
(w/o enclosures)