



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 24, 2011

Mr. David A. Mendoza
Assistant District Attorney
Hays County District Attorney's Office
110 East Martin Luther King Drive
San Marcos, Texas 78666

OR2011-04052

Dear Mr. Mendoza:

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# 412209.

The Hays County Sheriff's Office (the "sheriff") received a request for the incident report pertaining to a specified case. You state the sheriff has released some information. You claim the submitted information is excepted from disclosure under section 552.108(a)(1) 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 excepts 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[.]" Gov't 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), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You assert release of the submitted information would interfere with the detection, investigation, or prosecution of crime. However, you also inform us the information at issue relates to a case that concluded in a deferred adjudication. Therefore, we conclude you have failed to demonstrate how release of the submitted information would interfere with the detection, investigation, or prosecution of crime, and the sheriff may not withhold the information at issue under

section 552.108(a)(1) of the Government Code. As you raise no other exception to disclosure, the sheriff must release the submitted information.

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, toll free, at (888) 672-6787.

Sincerely,



Mack T. Harrison
Assistant Attorney General
Open Records Division

MTH/em

Ref: ID# 412209

Enc. Submitted documents

c: Requestor
(w/o enclosures)