



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 2, 2011

Mr. Dana W. Cooley
District Attorney
132nd Judicial District
1806 25th Street, Suite 302
Snyder, Texas 79549-2530

OR2011-05975

Dear Mr. Cooley:

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# 420742.

The 132nd District Attorney's Office received a request for an indictment, police reports, and "judgment sheets." You contend your office is not required to comply with this request for information pursuant to section 552.028 of the Government Code. We have considered your representations.

Section 552.028 of the Government Code provides in part:

(a) A governmental body is not required to accept or comply with a request for information from:

- (1) an individual who is imprisoned or confined in a correctional facility; or
- (2) an agent of that individual, other than that individual's attorney when the attorney is requesting information that is subject to disclosure under [the Act].

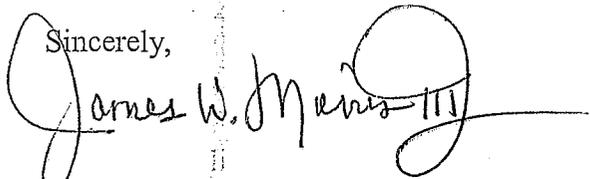
(b) This section does not prohibit a governmental body from disclosing to an individual described by Subsection (a)(1), or that individual's agent, information held by the governmental body pertaining to that individual.

Gov't Code § 552.028(a)-(b). You inform us the requestor is an inmate of the Billy Moore Unit of the Texas Department of Criminal Justice. Based on your representations, we find section 552.028 is applicable in this instance. We therefore conclude your office may decline to comply with this request for information pursuant to section 552.028 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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in cursive script that reads "James W. Morris, III". The signature is written in black ink and is positioned above the typed name.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 420742

c: Requestor