



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 2, 2014

Mr. Gary W. Bunyard
Assistant District Attorney
33rd and 424th Judicial Districts
P.O. Box 725
Llano, Texas 78643

OR2014-21761

Dear Mr. Bunyard:

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# 545455 (OR 2696).

The Burnet County Sheriff's Office (the "sheriff's office") received a request for the arrest reports and arrest affidavits pertaining to two specified incidents involving a named individual. You state you have released some information to the requestor. You claim the submitted information is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You inform us some of the requested information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-16514 (2014). In that ruling, we determined the sheriff's office may withhold the submitted information under section 552.108(a)(1) of the Government Code, with the exception of basic information. There is no indication the law, facts, and circumstances on which the prior ruling was based have changed. Accordingly, for the requested information that is identical to the information previously requested and ruled upon by this office, we conclude the sheriff's office may continue to rely on Open Records Letter No. 2014-16514 as a previous determination and withhold or release the identical information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes information is or is not excepted from disclosure). As the submitted information was not the subject of the prior ruling, we will consider your argument against disclosure.

Section 552.107(2) provides information is excepted from public disclosure if “a court by order has prohibited disclosure of the information.” Gov’t Code § 552.107(2). You have submitted a copy of a court order signed by a judge on September 19, 2014, in the 424th District Court of Burnet County, Texas, in the case styled *State of Texas v. Karra Trichele Allen*, Cause No. 42765. The court order provides, in pertinent part, “the parties and their attorneys, court clerks, court reports, and any person affiliated with or acting in concert with any of the foregoing persons including any witness or prospective witness, are not to . . . correspond with, or in any way communicate with any member of the news media . . . regarding the character, reputation, or credibility of any witness, the contents of any statement given by the Defendant, or the nature of the evidence that might be presented.” The order is valid until further order of the court. In this instance, the requestor is a member of the news media. Further, the submitted information contains a statement given by the defendant. Upon review, we agree a court by order has prohibited disclosure of the submitted information. Accordingly, the sheriff’s office must withhold the submitted information under section 552.107(2) of the Government Code.

In summary, the sheriff’s office may continue to rely on Open Records Letter No. 2014-16514 as a previous determination and withhold or release the identical information in accordance with that ruling. The sheriff’s office must withhold the submitted information under section 552.107(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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Alley Latham
Assistant Attorney General
Open Records Division

AKL/dls

Ref: ID# 545455

Enc. Submitted documents

c: Requestor
(w/o enclosures)