



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 9, 2015

Mr. Bill Delmore
Assistant District Attorney
9th Judicial District
Montgomery County
207 West Phillips, Second Floor
Conroe, Texas 77301

OR2015-13953

Dear Mr. Delmore:

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# 570649.

The Montgomery County District Attorney's Office (the "district attorney's office") received a request for information pertaining to policies and practices relating to execution dates and three categories of information pertaining to inmates executed during a specified time period, including three named inmates. You state the district attorney's office will release some information. You claim the submitted 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.

Section 552.108 of the Government Code provides:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

...

(4) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

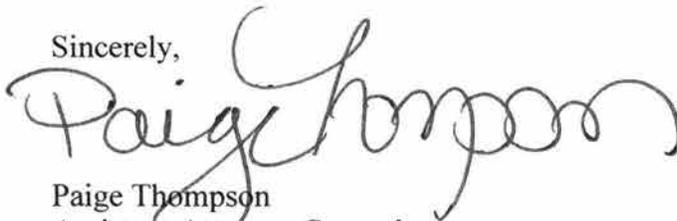
(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

Gov't Code § 552.108(a)(4). A governmental body claiming section 552.108 must reasonably explain how and why this exception is applicable to the information the governmental body seeks to withhold. *See id.* §§ 552.108(a)(4), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information reflects the mental impressions and legal strategies of attorneys representing the state. Based on your representations and our review, we conclude section 552.108(a)(4) is applicable to the information at issue. Accordingly, the district attorney's office may withhold the submitted information under section 552.108(a)(4) of the Government Code.¹

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,



Paige Thompson
Assistant Attorney General
Open Records Division

PT/dls

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of the submitted information.

Ref: ID# 570649

Enc. Submitted documents

c: Requestor
(w/o enclosures)