



CRAIG WATKINS
 CRIMINAL DISTRICT ATTORNEY
 DALLAS COUNTY, TEXAS

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 OPEN RECORDS DIVISION

November 7, 2007

FILE # ML-45436-07
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Honorable Greg Abbott
 Office of the Attorney General
 Open Records Division
 P.O. Box 12548
 Austin, Texas 78711

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RQ-0645-GA

VIA FAX & U.S. MAIL

OPINION COMMITTEE

Re: Public Information Act (PIA) request received October 24, 2007, for a copy of a trial exhibit containing DNA testing information

Dear Sir:

On behalf of the Dallas County District Attorney's Office, I am seeking a determination whether a trial exhibit containing DNA testing information must be released under the PIA.

This Office received a request from Iris Guerra for a copy of State's Exhibit 111 in cause number F09-01305-R, styled *The State of Texas v. Dennis Lee Allen*, in which Allen was tried and convicted of capital murder in 2000. State's Exhibit 111 is a laboratory report containing DNA analysis of blood samples taken from the crime scene, from the victim, and from Allen and other suspected parties to the offense. (See Exhibit B.)

Records of criminal proceedings are presumed open to the public. Op. Tex. Att'y Gen. No. GA-0203 (2004). See TEX. CODE CRIM. PROC. ANN. art. 1.24; ("The proceedings and trials in all courts shall be public"); *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (stating that documents filed in a criminal action are, in accordance with article 1.24, "part of the public record").

This Office has no objection to releasing the requested information. However, the Legislature has required that DNA testing information remain confidential under certain circumstances. See, e.g., TEX. GOV'T CODE § 411.153 (DNA database records); TEX. FAMILY CODE § 160.511 (parentage testing specimens).

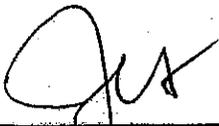
Frank Crowley Courts Building, 133 North Industrial Boulevard, LB-19 Dallas, Texas 75207-4399 (214) 653-3600

Please advise whether any statute requires the confidentiality of DNA testing information when that information was previously introduced into evidence at a criminal trial.

If you have any questions or need additional information, please contact me at (214) 653-3645.

Sincerely,

CRAIG WATKINS
CRIMINAL DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS



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Assistant District Attorney
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Enclosures

cc: via facsimile
Office of the Attorney General
Open Records Division
(512) 463-2092
(w/o enclosures)

cc: Sorrels, Udashen & Anton
c/o Iris Guerra
2301 Cedar Springs Road
Suite 400
Dallas, Texas 75201
(w/o enclosures)